

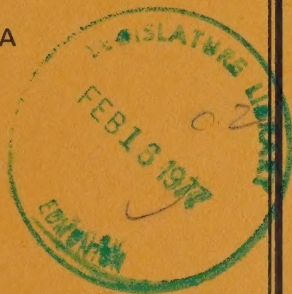
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REPORT

OF THE

# OMBUDSMAN

FOR THE PERIOD NOVEMBER 1, 1969 - OCTOBER 31, 1970

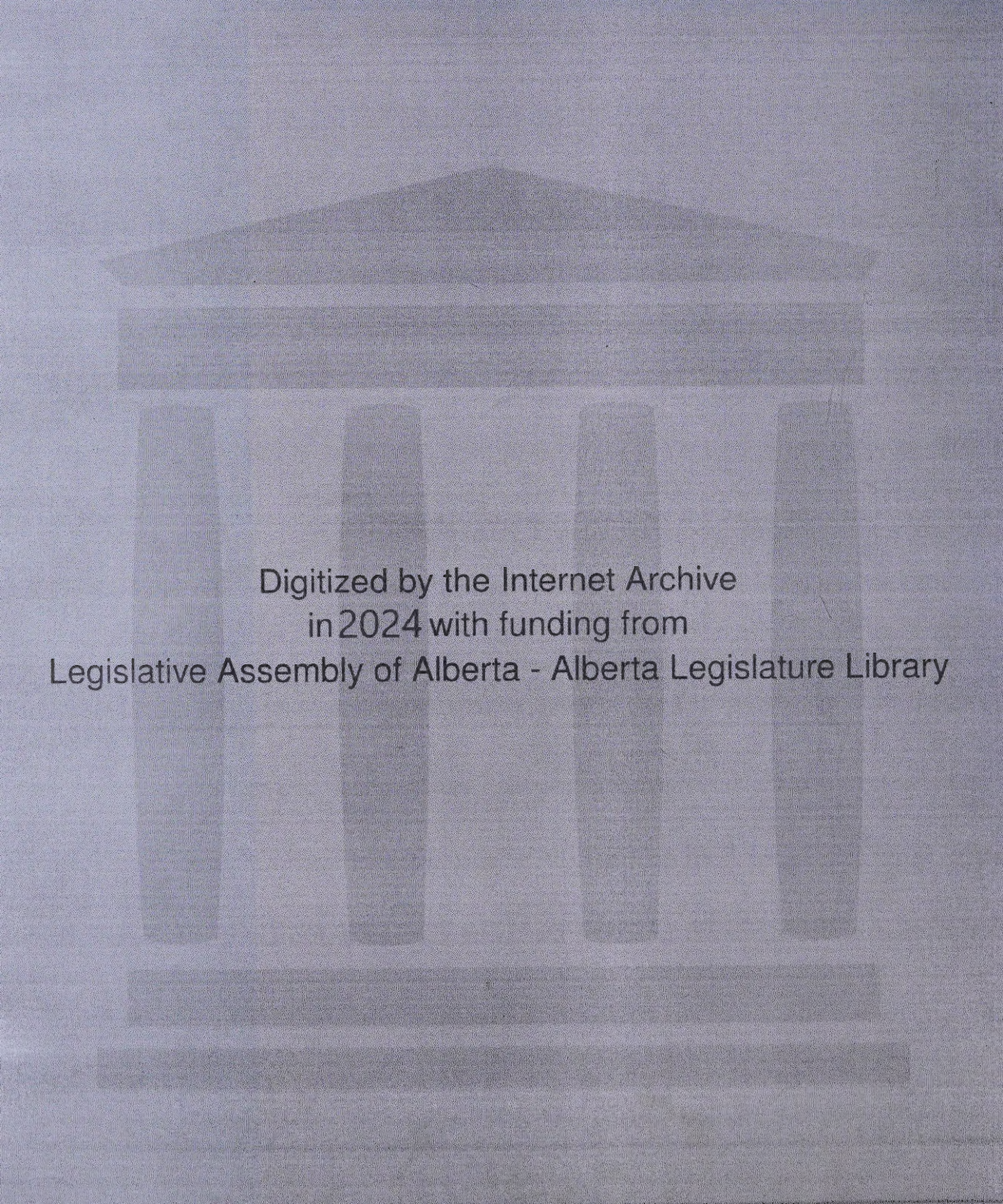


PRESENTED TO THE LEGISLATURE  
PURSUANT TO SECTION 26(1) OF  
THE OMBUDSMAN ACT



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1971





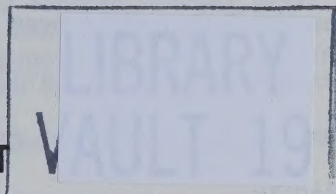
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REPORT



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PRESENTED TO THE LEGISLATURE  
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EDMONTON, ALBERTA  
1971

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Cases for November and December 1969 are summarized separately in Appendix IV for this report only. They will be included with the full twelve month period of November 1, 1970 to October 31, 1971 in the next Annual Report.



## THE OMBUDSMAN

MR. SPEAKER:

I have the honour to submit my fourth Annual Report, since assuming the office of Ombudsman for the Province of Alberta. This Report covers the new reporting year from November 1st, 1969 to October 31st, 1970.

As reported last year, the terminal date of the reporting year was moved back from December 31st to October 31st. Under the former arrangement, it was most difficult to have the Annual Report drafted, printed, proofread, and bound, in time to present it at the next Session of the Legislature.

Since my last Report, I have submitted three SPECIAL REPORTS for the first time.

The first one contained the Reasons for Judgment, given by the Honourable the Chief Justice J.V.H. Milvain, in dealing with my application to the Supreme Court of Alberta for a Declaratory Order.\* My application arose from a challenge to my jurisdiction to investigate the findings of the Provincial Planning Board. His Lordship ruled that the Ombudsman had jurisdiction.

The second SPECIAL REPORT was a request for direction from the Legislative Assembly, as to whether I should submit, or withhold, a proposed Report to the Assembly, dealing with the complaint of one, R. J. Philipzyk, pending the completion of a Commission of Inquiry appointed by the Government--Motion 177. I was instructed to present my Report following the Commission of Inquiry.

I have done so during the present Session of the Legislative Assembly. The Report, which I originally submitted to the Lieutenant Governor in Council, was forwarded to the Speaker, as Appendix 1 to SPECIAL REPORT No. 3.

---

\* The Ombudsman Act, Section 12(2)

SPECIAL REPORT No. 3 was directed to the Speaker and the Legislature. It is intended to supplement the Report to the Lieutenant Governor in Council, and includes, as Appendices, the correspondence between my Office and the Honourable the Premier, which resulted from my Report, mentioned above, as well as other Appendices, which may be required or helpful.

I also commented on some of the proceedings before the Commissioner at the Inquiry, and his subsequent report, where I felt obliged to do so.

I have also included the reasons, which my Legal Counsel, Mr. Alex B. Weir, put before the Commissioner, outlining my view, that I was prevented by The Ombudsman Act from testifying. As the Members of this Assembly now know, the Commissioner directed me to testify and I declined. The Commissioner then stated he had no authority to compel me, and I departed.

#### CASES HANDLED -- 1967

At the close of the reporting year, October 31st, 1969, I reported there were seven unconcluded cases remaining from 1967. Some of these were in suspense, pending the results of my application to the Supreme Court of Alberta, as a result of a challenge to my jurisdiction.

These seven cases are now disposed as follows:

Rectified	1
Not Justified	3
Declined	1
Under Investigation	2

---

TOTAL 7

The two cases still under investigation will both finally be concluded very early in the new year.

Of the four files, where investigation was carried to a conclusion (Not Justified plus Rectified) one was Rectified, or 25%.



CASES HANDLED -- 1968

There were 535 complaints received during the calendar year 1968. At the end of the new reporting year, October 1969, 33 of these were still unconcluded.

Their disposition is as follows:

Rectified	4
Not Justified	12
No Jurisdiction	2
Withdrawn	3
Declined	2
Discontinued	5
Under Investigation	5
<hr/>	
TOTAL	33

Of those cases carried through to the end of investigation (Not Justified plus Rectified) there were 16. Four of these were Rectified, or 25%.

CASES HANDLED -- 1969

In 1969 the reporting year was concluded on October 31st, for the reasons mentioned earlier. The statistics for that year cover only ten months. There were 627 complaints received, and at the end of the reporting year, 168 were still open. Their disposition is as follows:

Rectified	18
Not Justified	81
No Jurisdiction	22
Abandoned	7
Withdrawn	3
Declined	16
Discontinued	14
Information Supplied	2
Under Investigation	5
<hr/>	
TOTAL	168

Of those cases completely investigated, (Not Justified plus Rectified) which amounted to 99, there were 18 Rectified, or 18.18%.

#### CASES HANDLED -- 1969/1970

In the reporting year, November 1st, 1969 to October 31st, 1970, 791 complaints were received; the highest number in any year, and there has been an increase every year since the office of Ombudsman was established. Their disposition is as follows:

Rectified	40
Not Justified	127
No Jurisdiction	300
Abandoned	25
Withdrawn	8
Declined	159
Discontinued	16
Information Supplied	18
Referred to Department	9
Assistance Rendered	1
Under Investigation	88
<hr/>	
TOTAL	791

Of these, 703 were concluded for all reasons. Of those which received a complete investigation, (Not Justified plus Rectified) there were 167 of which 40 were Rectified, or 23.95%.

Including the complaints brought forward from previous years, which were not concluded, the Office in this reporting year, actually concluded, for all reasons, 899 cases. That is 108 more cases concluded during the year, than were received in the year.

This is the first time we have been able to do this, and if the trend continues, I would hope to shorten the time elapsed from the receipt of the complaint to the start of the actual investigation.

This encouraging position stems from three factors, in my view. First, we now have sufficient staff to handle the



volume of incoming complaints in a reasonable time. This year, I have not felt it necessary to ask for any increase in staff for the next fiscal year.

Secondly, all members of the staff have gained, and are gaining, much experience, and we now have resources of experience, case files, legal judgments, and special extension courses, taken by the staff, which permit much quicker assessment of a given situation. Finally, we have precedents, both from our own experiences, and those of my colleagues in other provinces, or abroad.

To these may be added, increasing efficiency in office routines and file handling; many excellent suggestions having been received from my staff and put into effect.

Once again, I summarize the statistics of all investigations from previous years, which were still under investigation at the beginning of the reporting year, November 1st, 1969, together with the 791 complaints received in 1969/1970 (October 31st).

From 1967	7
From 1968	33
From 1969	168
From 1969/1970	791
	<hr/>
TOTAL	999

Files concluded for all reasons.....	899
Files completely investigated and concluded (Not Justified plus Rectified.....	286
Rectified.....	63
Still under investigation.....	100

22.02% were justified and Rectified.

There has been an interesting decrease, of about seven to nine per cent, in the number of justified complaints. It is too early to detect a trend, but, if it stays at about the present level, or drops further, there may be some interesting speculation for students of the Ombudsman institution.

There is still considerable interest expressed in the monthly total of complaints received. For this year they are:

MONTHLY TOTALS

November	63
December	61
January	56
February	86
March	86
April	78
May	49
June	83
July	68
August	58
September	46
October	57

---

TOTAL	791
-------	-----

I draw attention to the fact that the two highest monthly totals for the year, were February and March, which were equal. There were 86 complaints in each month. Thus, for each working day, there were respectively; for February, 4.3 complaints per day, and for March, 3.95 complaints per day received.

CASES INVESTIGATED -- November 1st, 1969 to October 31st, 1970

This year I have found cause to submit only one Report to the Lieutenant Governor in Council. It will be found summarized under the heading "Workmen's Compensation Board" in Appendix V.

It is of particular interest in that an amendment to The Workmen's Compensation Act was required, to give the Lieutenant Governor in Council the necessary authority to require the Board to give effect to the Ombudsman's recommendation for compensation.

In the statistics in Appendix IV, reference will be found to a new category of disposition of a case. It is "Assistance



Rendered", and is exemplified in Appendix V, where a case is summarized under "Requests for Assistance". The case number is 70-470-23.

There have been an increasing number of requests for assistance, where there appeared to be a genuine need, but not in an area coming under the Ombudsman's jurisdiction.

Additionally, there is a growing number of "Requests for Information", and this is also a newer category, which will increase in volume.

Here are people asking for advice about their problems over the widest possible range of subjects, involving most of the frailties and chicanery to which man is prone. They are not complaints against Alberta's Government, and so, beyond my jurisdiction.

We do not give advice on matters which should be referred to a lawyer in private practice, but in many other areas, we have the knowledge to direct the person to an agency or some office which may be able to assist. We may, on the other hand, suggest a course of action, or give some explanation of the problem, which had not occurred to the complainant.

The category "Assistance Rendered", referred to previously, applies where some definite action was taken, beyond supplying information only.

For instance, we have had some piteous communications from persons, who are obviously in a highly emotional condition, indicating a probable breakdown. In one case there was a small child in the house, and possibly in danger.

Such cases are referred to me at once. Discreetly and quickly, we have been able to see that those in a position to make a medical assessment were alerted. Helpful action has resulted.

The new categories will provide statistical records, to reveal the considerable amount of time devoted to assistance to the public. Such requests for help may not be in the Ombudsman's jurisdiction, as stated in legislation. Their

ramifications could not possibly be codified into a statute.. Frequently, we can help, and do so.

Inmates of Correctional Institutions continue to write in significant numbers. A prison grapevine need not defer to more modern methods of communication in spreading the news around. It would seem that some inmates at least, have found the service of the Ombudsman helpful and have passed the word on.

The provision, that inmates may send sealed, uncensored letters to the Ombudsman, works well and appears to be meticulously observed by the authorities. We have had a few complaints to the contrary. They have been found groundless.

I could do little to assist one inmate, who complained that the guards were not "respectful" and the Warden would not take "no" for an answer. I have served under R.C.M.P. Sergeants-Major, who, on occasion, displayed similar traits.

The proportion of No Jurisdiction complaints received is dropping very little, despite considerable publicity. I have doubts that it will in the foreseeable future. I think persons in trouble will take a chance anyhow, and write the Ombudsman. My colleagues elsewhere have about the same experience.

#### ORGANIZATION AND WORK OF THE OFFICE

Last year, I reported the appointment of a Complaints' Analyst, and outlined the duties of the incumbent, Mr. W. E. McElhone.

In the past year, Mr. McElhone moved to the staff of Investigators, when that staff was increased to its full complement.

Mrs. Lois Holland, my former Secretary, was promoted to the position of Complaints' Analyst, and that office continues to operate most efficiently.



Mrs. Holland interviews most people who come to the office about a complaint. The complaint must be written in due course, as required by The Ombudsman Act. However, many persons want advice and direction, before a written complaint is taken.

Among them are women and girls, and many elderly people. They are particularly relieved to be able to talk privately to a woman, and the result is they relax; they speak freely, and we get information we need to help them.

Furthermore, the orderly and supervised control of active files by the Complaints Office has meant a considerable saving of time, particularly my own.

Mr. Tom Janakas retired from the Investigation staff to enter University to take an Arts Degree, leading to an eventual Law Degree. This is an ambitious program for an overseas veteran of the Second World War, and a veteran policeman. We wish him success.

Mr. Joseph Pennett and Mr. J. C. Ratcliff have now joined the Investigation staff. Miss T. Jensen and Miss M. Wegner have this year been added to the stenographic staff.

The staff of the Ombudsman's Office, as indicated earlier in this Report, is now sufficient for the work at hand, unless of course, the volume of complaints continues to rise more than can be estimated. The staff is as follows:

Ombudsman	1
Solicitor	1
Chief Investigator	1
Investigators	3
Complaints' Analyst	1
Secretaries	2
Stenographers	3
<hr/>	
TOTAL	12

The preparation of three SPECIAL REPORTS to the Legislative Assembly, and the Annual Report, has been very time consuming indeed. Many documents, used as Exhibits, had to

be meticulously copied and prepared for the Queen's Printer. Typing was voluminous, and proofreading most laborious, where accuracy is essential.

I am pleased to be able to report that, despite these extra duties, my Office completed more cases this year than in any previous year. As mentioned previously, 108 more cases were concluded than received during the reporting year.

## PUBLICITY

I have completed thirty-four public speaking engagements; including television and radio interviews, on the work of my Office. A considerable number of interviews have been given to the press from Alberta and elsewhere.

There is a constant flow of requests to accept speaking engagements, and I accept as many as my work will permit. Mr. Alex B. Weir, the Solicitor to my Office, has undertaken several speaking engagements as well, on my behalf.

The volume of requests for information and publications increases each year. It comes from students here and abroad, legal firms who deal with administrative law, universities, libraries and government departments in the United States and other countries.

Copies of all Annual Reports, but 1969, are now exhausted except for a very few copies kept for permanent record.

Copies of my last Annual Report were distributed to all Alberta daily and weekly newspapers, and this will continue on a permanent basis.

Press, T.V. and radio coverage, not only of my own operations, but of those of my Canadian colleagues, has been quite extensive. I have noted nothing that could not be called fair comment, and, of course, it has appeared gratuitously, rather than by press release.

Personally, I endeavor to answer the questions of representatives of the news media, whenever possible. Any requests



I have made to be excused from comment, on a particular subject, have been accepted with understanding on all occasions.

## ACKNOWLEDGEMENTS

Shortly after Mr. Maltby, the Ombudsman for Manitoba, assumed office, I was pleased to have his Secretary, Miss I. Jamieson, spend a few days in our offices. Miss Jamieson observed our organization and procedures.

Mr. Maltby subsequently expressed his appreciation of our contribution toward the organization of his own office.

Dr. W. T. Ross Flemington, the New Brunswick Ombudsman, spent a day with me, which I particularly valued. He assumed office about a month after I did. We had not met before, although we have corresponded at length.

Ours is a somewhat lonely occupation, in that the opportunities to talk to our colleagues, who have personal experience in the same field of endeavor, are infrequent. We are, as yet, a small number and usually widely separated.

I therefore warmly welcomed this opportunity to exchange "Ombudsman talk" with an experienced colleague. We had a most useful and enjoyable day.

I had discussions with Senior Officers of the Armed Forces from Ottawa, on the feasibility of introducing the Ombudsman institution into the Armed Forces, as has been done in some form in other countries.

I had a short but interesting visit from Colonel Johnston, the representative of the British Ombudsman in Northern Ireland.

Mr. Herman Doi, the Hawaiian Ombudsman, visited Edmonton for particularly useful discussions. He is the first Ombudsman at the State level in the United States. We have been in correspondence for some time.

I was particularly interested in the organization of the Ombudsman's Office under the United States system of States'

Governments, as compared with our own parliamentary system. There is the two House system of Government in Hawaii, as in the Federal Government, while provincially, we, of course, have the single Assembly.

It was encouraging to see that the Ombudsman function can successfully operate, and is adaptable to several forms of democratic government.

We were both fascinated and frequently amused at the similarity of our problems and frustrations.

On December 14, 1970, I testified before the California Legislative Assembly Criminal Procedure Committee, which is considering the advisability of an Ombudsman institution for the California Penal System.

I had been invited by the Chairman, Assemblyman Frank Murphy, Jr., and I was most graciously received, and provided for during my short visit.

My testimony dealt with the functions of Alberta's Ombudsman in the Provincial Correctional Institutions, and a number of the cases I have dealt with.

The Inspector-General of the United States Army, who has an Ombudsman function in U.S. Army "stockades", also testified. He is Major-General Enemark. The Provost Marshal of the United States Army, Major-General Ramsey, also testified.

At the same Inquiry, I was privileged to meet Dr. Stanley V. Anderson of the University of California, Berkeley. Dr. Anderson is an eminent authority and author on the Ombudsman institution, and we have exchanged correspondence.

Dr. Anderson testified before the Committee, and I was most encouraged by the fact that he used a very considerable number of cases from the Alberta Ombudsman's Annual Reports in his submission to the Committee.



## RESEARCH

Mr. Weir, Solicitor to the Ombudsman, completed a course on Public Administration at the Department of Extension, University of Alberta, in May of 1970.

Mr. Groenland, the Chief Investigator, and Mrs. Lois Holland, the Complaints' Analyst, during the past year took courses at N.A.I.T. as follows:

- (1) Effective Supervision - Administration.
- (2) Personnel (Employer - Employee Relationship).

The latter mentioned members of the staff, who have taken special courses for two years past, have sought authority for additional courses in the next year, which I have approved. All these courses are of particular use in our work, and in understanding the troubled people who seek the Ombudsman's help.

## LEGISLATION

I believe it to be self-evident that greater public awareness of the services provided by the Ombudsman is desirable.

To this end, I would recommend that the provisions of Section 13, subsections (1) and (2) of The Ombudsman Act should be prominently displayed in all places of custody, as defined in the Section, and all places of confinement under The Mental Health Act. Any Act covering detention of juveniles should also be included.

Section 13 reads as follows:

- 13. (1) Every complaint to the Ombudsman shall be made in writing.
- (2) Notwithstanding any Act, where a letter written by
  - (a) any person in custody on a charge or after conviction of any offence, or

(b) any patient of a hospital within the meaning of The Mental Health Act,

is addressed to the Ombudsman, it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is a patient.

I would recommend consideration be given to Regulations under The Mental Health Act, The Corrections Act, and any other pertinent Act. It is my submission that the requirement for posting a notice of the Section should contain a short preamble, stating the authority of the Ombudsman to investigate complaints against administrative acts by departments and agencies of the Provincial Government. The preamble should be followed by the Section of the Act.

Finally, explanation should be made as to how to obtain paper and envelope; that the inmate seal the letter, and how to address it.

In addition to Correctional Institutions and Mental Hospitals, the Regulations should cover:

- (1) Local lock-ups.
- (2) Municipal police cells.
- (3) R.C.M.P. police cells.
- (4) Places of permanent or temporary detention of juveniles for any cause.

I submit that the guideline should be; any place, where any person, may be legally deprived of his liberty, for any reason, or for any period of time.

Powers to inspect Provincial institutions is already invested in the Ombudsman. The Assembly may wish to consider, whether these powers should be extended to cover inspection of municipally administered places of detention, for the purposes of this recommendation only.

I refer now to Section 17 of The Ombudsman Act, which reads:



17. (1) Subject to this section and section 18, the ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him, and

(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person,

whether or not that person is an officer, employee or member of a department or agency and whether or not the document, paper or thing is in the custody or under the control of a department or agency.

(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency and who in the Ombudsman's opinion is able to give any information mentioned in subsection (1), and

(b) any complainant, and

(c) any other person who in the Ombudsman's opinion is able to give any information mentioned in subsection (1),

and for that purpose may administer an oath.

(3) Subject to subsection (4), a person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter is not required to

(a) supply any information to or answer any question put by the Ombudsman in relation to that matter, or

(b) produce to the Ombudsman any document, paper or thing relating to it,

if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) With the prior consent in writing of a complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is the duty of the person to comply with the requirement.

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court.

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of an inquiry by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Ombudsman under this section.

I would recommend that subsection (1)(b) be broadened to authorize the Ombudsman, or members of his office, on his behalf, to remove such documents, on a temporary basis, to the Office of the Ombudsman, or elsewhere, for study and reproduction if necessary.

Although a few departments and agencies have raised the question on occasion, it has been amicably settled, with one exception.

That agency is quite willing to produce files on its premises. It has objected to any removal of files for study in the Ombudsman's Office.

Many cases are of lengthy duration. They require frequent reference to a file, and lengthy discussions between the Ombudsman and his staff on many occasions. This cannot be done conveniently on the premises of the agency.

Additionally, many documents must be copied, or photocopied, as exhibits. I refer to Special Report No. 3, and its Appendices, as an example of the documentary evidence sometimes required to be submitted with a report.

All files in the Ombudsman's Office are kept in locked filing cabinets, and as secure as on the agency's premises.

Provision could be made in the amendment, for return of the file, if suddenly required by the agency. It can be photocopied, or as is most usual, pertinent parts of it only can be copied.

I realize, of course, that I have authority, by Summons to compel the production of the file at a hearing in my office.



I have never had to exercise this compulsion, and I would find such a procedure most repugnant. Furthermore, I do not think it would be in the public interest, except in extreme circumstances, that it become apparent, that the Ombudsman has had to take such action to enforce his authority over an agency or Government department.

May I add, that the Attorney General's Department has set a clear example that the procedure is proper. That Department has been most meticulous in forwarding its files to the Ombudsman's Office.

Indeed, when advised of a complaint, that Department frequently forwards its complete file at once, and without any request having been made for it. The Law Officers of the Crown, apparently, find nothing irregular in the procedure.

#### OMBUDSMAN'S SALARY

The Ombudsman's salary was fixed by Section 8(1) of The Ombudsman Act on March 30th, 1967. He assumed office on September 1st, 1967.

Following consultation with the Honourable, the Speaker, an amount to increase the Ombudsman's salary was placed in the Ombudsman's Estimates for the fiscal year 1969/1970.

The Estimates were approved by the Treasury Board, and presented to the Legislature in the Budget for the fiscal year 1969/1970.

At the 1970 Session of the Legislative Assembly the budget for the Ombudsman's Office was approved by the Assembly, including that amount provided for an increase in the Ombudsman's salary.

The enabling amendment to Section 8(1), to authorize payment of the increase in salary was not presented to the Legislative Assembly.

The funds voted for an increase in the Ombudsman's salary have not been paid to the Ombudsman.

The same sum for an increase in the Ombudsman's salary was again placed in the Ombudsman's Estimates for the fiscal year 1970/1971. Those Estimates have again been approved by the Treasury Board for submission to the Legislative Assembly at the present 1971 Session.

The salary of the Alberta Ombudsman is the lowest of any Provincial or State Ombudsman in North America.

## GENERAL COMMENTS

In my report last year, I again suggested a wider application of The Administrative Procedures Act to all Boards and Tribunals exercising a quasi-judicial function.

A number of Boards, nine in all, were designated in 1970 to come under the provisions of The Administrative Procedures Act.

Experience over the past year served to confirm my opinion that The Administrative Procedures Act might well be considered as a fundamental guide to all Boards and Tribunals in due course.

We are now entering into rather new fields, such as Environmental Control, where it is indicated, persons or industries may be required to take direction from Government appointed Boards; to control, exhalations, effluvia and other pollutants generated by industrial processes. Severe penalties for non-compliance are indicated.

Some amalgamation of Government Departments is proposed.

The appointment of area appeal boards, and some form of central appeal board to deal with complaints in the areas of Social Development is underway, I believe.

Changes of Departmental responsibility for, at least, some Correctional Institutions is proposed.

The citizen will, as always, encounter frustrations in adjusting to, and comprehending the changes, which, apparently,

are needed to meet the problems of our society. The less fortunate of our fellows, and the least educated, may find much of such accelerated change, overwhelming.

It is for these reasons that I respectfully suggest, that whenever or wherever an agency, review board or appeal tribunal is considered or appointed, something akin to The Administrative Procedures Act be prominent in its terms of reference. I presume to suggest that some of the case summaries in Appendix V will serve to illustrate good reasons for a full and fair hearing always, and at the end, a full explanation of the reasons for decision.

Elsewhere I have suggested a few amendments to The Ombudsman Act, to clarify certain Sections.

These are the first amendments I have recommended, and only after three years of experience with the Act.

Otherwise I have found it a clear and concise Act leaving little room for ambiguity.

So far I have found no reason to request any additional authority, other than the current suggested amendments. The Act is adequate and functional.

This year once again, not all complainants have been satisfied with the findings of the Ombudsman. Some have protested most vigorously.

All such decisions have been my own, as happens with every complaint received. The initial decision to investigate, and the final decision that the complaint is justified or not justified is made by the Ombudsman personally.

I have again this year had excellent co-operation from most Departments and Agencies, though not all have agreed with my opinions. I hope only, that I and my staff are fair.

As the question of my impartiality was raised in the recent Commission of Inquiry, I might here express my attitude on that score.



It is my understanding that my colleagues in New Zealand and New Brunswick take the view that the complainant is right until proven otherwise.

I have not been able to go quite that far. My training and experience leads me to carry out my inquiry as impartially as possible. I bear in mind, however, that Government has great facilities at its disposal to defend its position. The complainant may have only the resources of the Ombudsman's Office.

When I have decided that the complaint is justified, I become an advocate for the complainant. At that stage I will use all the powers conferred on my office, by Legislation, to secure justice for the complainant. I am, at that stage, his man.

If I find the complaint not justified, and the Department, Agency or Public Servant unjustly accused, I will be just as diligent to make that clear.

This year the demands upon my staff have exceeded all previous years. A very heavy volume of files have been concluded -- the greatest in any year. At the same time, this Annual Report, and three Special Reports have been prepared and submitted to the Legislature.

Together we have concerned ourselves with human need, and have sustained frustration with all the patience we could muster. My staff have given me greatly of loyalty and co-operation. I can only hope they feel that I have responded in the same manner.

GEO. B. McCLELLAN,  
Ombudsman.

February 22nd, 1971.

# Appendix I

## GOVERNMENT DEPARTMENTS OR AGENCIES

1967

### Workmen's Compensation Board

67-300-4	Compensation claim	.....	Declined 12(1)(a)
300-7	Compensation claim	.....	Not Justified
300-9	Compensation claim	.....	Not Justified
300-11	Compensation claim	.....	Not Justified
* 300-13	Compensation claim	.....	Rectified

## Appendix II

### GOVERNMENT DEPARTMENTS OR AGENCIES

1968

#### Department of Agriculture

68-100-2	Desire to establish a drainage ditch .....	Not Justified
* 100-4	Illegal weir across river .....	Not Justified

#### Department of the Attorney General

68-110-26	Outstanding warrant .....	Rectified
110-40	Conduct of Government Ward .....	Discontinued

#### Department of Education

68-120-13	Financial grant refused to University student .....	Declined 14(1)(a)
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#### Department of Health

68-130-9	Coverage under Alberta Blue Cross Plan .....	Withdrawn
130-33	Employment dismissal .....	No Jurisdiction 11(1)
130-34	Termination of employment .....	No Jurisdiction 11(1)



68-140-19 Electrical power cut off ..... Withdrawn

Department of Mines & Minerals

68-180-4 Failure to provide hearing after objection to  
expropriation filed ..... Discontinued  
180-5 Improper approval of mineral rights ..... Withdrawn  
180-6 Reclamation program ..... Not Justified

Department of Municipal Affairs

68-190-7 Taxation assessment dispute ..... Discontinued

Provincial Planning Board

\*68-340-1 Zoning for apartments ..... Rectified  
340-2 Zoning appeal rejected ..... Discontinued

Public Service Pension Board

68-350-1 Pension refusal ..... Rectified

Public Trustee

68-330-4 Administration of mental incompetent's estate ..... Not Justified

## Public Utilities Board

68-270-2	Reliability of evidence presented .....	Not Justified
270-3	Decision to resolve an expropriation .....	Not Justified
270-5	Extent of compensation awarded .....	Not Justified

## Workmen's Compensation Board

68-300-21	Claim for compensation rejected .....	Declined 12(1)(a)
300-38	Pension insufficient as no adjustment to relate disability with present qualifications .....	Discontinued
300-39	Claim for compensation rejected .....	Not Justified
300-44	Dissatisfaction with review procedure .....	Not Justified
300-47	Commutation of monthly pension .....	Not Justified
300-64	Compensation inadequate for injury .....	Not Justified

Complaints Against Cities, Municipalities, Towns, Etc.

68-400-23	Requests investigation into financial statements of county .....	Not Justified
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No Specific Complaint Made

68-450-11	Taxation assessment dispute .....	Rectified
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# Appendix III

## GOVERNMENT DEPARTMENTS OR AGENCIES

1969

### Alberta Government Telephones

69-260-4	Complaints against A.G.T. - General	.....	Rectified
260-7	Incorrect billing by A.G.T.	.....	Not Justified

### Alberta Health Care Insurance Commission

69-370-1	Premium structure	.....	No Jurisdiction 11(1)
370-2	Coverage under A.H.C.I.C.	.....	Not Justified

### Alberta Securities Commission

*69-290-1	An investment certificate	.....	Rectified
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### Department of Agriculture

*69-100-2	Alta. Farm Purchase Board Agreement	.....	Not Justified
100-4	Land leveling program	.....	Rectified
100-7	Drainage ditch	.....	Abandoned

69-110-9	Legal Aid refused for criminal appeal .....	No Jurisdiction 11(1)
110-11	Treatment while confined at institution .....	Declined 14(2) (b) (i)
110-20	Criminal investigation .....	Discontinued
* 110-21	Return of court exhibits .....	Rectified
110-24	Unsatisfactory medical attention .....	Abandoned
110-27	Interrogation procedure by police .....	Discontinued
110-30	Prison conditions .....	Not Justified
110-33	A Sheriff's sale .....	Declined 12(1)(a)
110-36	Investigation following fatal accident .....	Not Justified
110-37	Not specific .....	Withdrawn
110-38	Assistance upon release from gaol .....	No Jurisdiction 11(1)
110-39	Gaol conditions .....	Not Justified
110-40	Prisoner's personal property missing .....	Not Justified
110-41	Dental service for prison inmate .....	Not Justified
110-42	Dental treatment for prison inmate .....	Not Justified

#### Department of Education

69-120-5	Teacher qualification .....	Not Justified
120-7	School curriculum .....	Discontinued 11(1)
120-11	Rejection of application for Certificate to teach Kindergarten .....	Not Justified
120-12	Boarding allowance refused .....	Discontinued 11(1)
120-14	Rejection of application for correspondence course .....	Rectified

#### Department of Health

69-130-1	Commencement date of contract under A.H.P. ....	Not Justified
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## Department of Health (Cont'd)

69-130-3	Position taken by Hospital's Division in civil action	.....	Rectified
130-12	Detention at mental hospital	.....	Rectified
130-14	Payment procedure of Alta. Health Plan	.....	Rectified
130-16	Detention at mental institution	..... Declined 14(2)(b)(iii)	Rectified
* 130-21	Out of province hospital benefits	.....	Rectified
130-25	Detention at mental institution	.....	Not Justified
130-27	Employment refused	.....	Not Justified
130-30	Nurse's Aide training	.....	Not Justified
130-35	Employment refused	.....	Not Justified
* 130-40	Birth certificate	.....	Not Justified
130-41	Alta. School Hospital's rejection of admission application	.....	Not Justified
130-43	Conditions at an auxiliary hospital	..... Declined 14(1)(a)	Declined 14(1)(a)
130-46	Alta. Health Plan	..... Declined 12(1)(a)	Declined 12(1)(a)
130-47	Medical treatment at Government Institution	.....	Not Justified
130-48	Extent of responsibility for medical statement	.....	Not Justified
130-50	Detention in mental institution	.....	Not Justified
130-51	Confinement in mental institution	.....	Not Justified

## Department of Highways & Transport

69-140-1	Denial of responsibility to maintain bridge	.....	Not Justified
140-2	Application to Motor Vehicle Accident Claims	.....	Not Justified
	Fund rejected	..... Discontinued 14(1)(a)	Discontinued 14(1)(a)
140-9	Operator's license refused	.....	Not Justified
140-11	Purchase of property	.....	Not Justified
140-17	Conditions for reinstatement of operator's license	.....	Not Justified
* 140-18	Assistance under Motor Vehicle Accident	..... No Jurisdiction 11(1)	No Jurisdiction 11(1)



69-140-22	Suspension of motor vehicle operator's license	.....	Not Justified
140-25	Downgrading of position classification	.....	Not Justified
* 140-30	Extent of coverage by Motor Vehicle Accident Claims Fund	.....	Rectified
140-31	Refusal to construct farm access to highway	.....	Not Justified
140-32	Reinstatement of operator's license	.....	Not Justified
140-34	Promotion transfer application rejected	.....	Not Justified
140-35	Suspension of license	.....	Not Justified
140-36	Reinstatement of operator's license	.....	Abandoned

#### Department of Industry & Tourism

69-150-4	Transactions with Marketing Services Ltd.	.....	Not Justified
150-5	Co-op refuses to submit statements	.....	Not Justified
150-7	Interference with co-op	..... Declined	14(2) (b) (iii)

#### Department of Labour

69-160-6	Decision of Industrial Relations Board	.....	Not Justified
160-8	Decision of Board of Industrial Relations	.....	Not Justified
160-9	Investigation by Board of Industrial Relations	.....	Not Justified
160-10	Job restrictions to youth	..... No Jurisdiction	11(1)
160-11	Investigation by Board of Industrial Relations	..... No Jurisdiction	11(1)

#### Department of Mines & Minerals

69-180-2	Certificate issued by Surface Reclamation Council	.....	Not Justified
180-3	Inspection following damage to well	.....	Discontinued 14(1) (b)

## Department of Municipal Affairs

69-190-5	Property tax assessment	.....	Withdrawn
190-6	Property tax assessment	.....	Not Justified
190-7	Application for rehearing before Alberta Assessment Appeal Board	.....	Not Justified
190-8	Property taxes	.....	Not Justified
190-9	Field service inspection	.....	Discontinued 12(1)(a)
190-10	Decision of Provincial Planning Board	.....	Not Justified
* 190-12	Property tax assessment	.....	Rectified

## Department of Public Works

69-220-1	Employment dismissal	.....	Not Justified
220-2	Employee demoted	.....	Not Justified

## Department of Social Development

69-210-6	Content of Government registration form	.....	Not Justified
210-9	Recovery proceedings	.....	Not Justified
210-21	Social allowance assistance	.....	Rectified
210-22	Social allowance assistance	.....	Not Justified
210-27	Child custody situation	.....	Discontinued 12(1)(a)
210-29	Social allowance assistance	.....	Rectified
210-30	Omnibus complaint	.....	Not Justified
210-31	Social allowance assistance	.....	Abandoned
210-33	Denial of social allowance	.....	Rectified
* 210-35	Public assistance refused	.....	Rectified
210-37	Adoption application	.....	Not Justified
210-38	Social allowances	.....	Not Justified
210-39	Social allowance assistance	.....	Rectified

69-310-1      Danger from gas escaping in gas producing area      .....      Not Justified

Provincial Secretary

69-200-3      Similarity of registered company names      .....      Declined 14(1)(a)

Public Service Commission

69-280-1      Delay in reclassification decision      .....      Not Justified  
 280-2      Classification Appeal Board decision      .....      Not Justified  
 280-4      Rejection of employment application      .....      Discontinued

Public Service Pension Board

69-350-7      Calculation of pension      .....      Not Justified

Public Trustee

69-330-6      Administration of trust for infants      .....      Discontinued  
 330-12      Authority to administer affairs of mental incompetent      ..      Not Justified  
 330-13      Administration of estate (deceased)      .....      Not Justified

Public Utilities Board

69-270-1      Farmer's dispute with oil company      .....      Not Justified  
 270-2      Extent of compensation awarded      .....      Not Justified

# Public Utilities Board (Cont'd)

69-270-4	Land expropriation decision .....	Discontinued 14(1)(b)
270-5	Pipeline expropriation .....	Discontinued

## Workmen's Compensation Board

69-300-13	Subrogation rights .....	Not Justified
300-14	Compensation stopped prematurely .....	Not Justified
300-20	Pension inadequate for injury .....	Not Justified
300-22	Compensation stopped prematurely .....	Not Justified
300-26	Compensation inadequate .....	Declined 12(1)(a)
300-34	Decision delay following formal review .....	Not Justified
300-35	Claim rejected .....	Not Justified
300-36	Compensation stopped prematurely .....	Not Justified
300-38	Omnibus issues regarding compensation benefits .....	Not Justified
300-41	Compensation rejected for subsequent medical attention .....	Abandoned
300-46	Claim rejected .....	Not Justified
300-47	Inadequate compensation .....	Not Justified
300-52	Compensation stopped prematurely .....	Not Justified
300-56	Inadequate compensation .....	Declined 12(1)(a)
300-57	Extent of compensation .....	Discontinued 14(1)(b)
300-58	Compensation stopped prematurely .....	Not Justified
300-59	Denied widow's pension .....	Not Justified
300-60	Inadequate pension .....	Withdrawn
300-61	Inadequate compensation .....	Not Justified
300-62	Compensation refused .....	Declined 12(1)(a)
300-63	Inadequate compensation .....	Not Justified
300-64	Claim rejected .....	Declined 12(1)(a)
300-67	Rejection of claim .....	Declined 12(1)(a)
300-72	Cost of living amendment to pensions .....	Not Justified



Workmen's Compensation Board (Cont'd)

69-300-74	Inadequate compensation	.....	Not Justified
300-75	Inadequate compensation	.....	Not Justified
300-76	Inadequate compensation	.....	Not Justified
300-77	Commutation of pension refused	.....	Not Justified
300-78	Inadequate compensation	.....	Not Justified
300-79	Inadequate compensation	.....	Declined 12(1)(a)
300-80	Inadequate compensation	.....	Declined 12(1)(a)
300-81	Compensation stopped prematurely	.....	Not Justified
300-83	Inadequate compensation	.....	Declined 12(1)(a)
300-84	Rejection of claim	.....	Declined 12(1)(a)

# MISCELLANEOUS

## Complaints Against Cities, Municipalities, Towns, Etc.

69-400-24	Dissatisfied with Town Police investigation	.....	Not Justified
400-32	Supervision of a cemetery by a city	.....	No Jurisdiction 11(1)
400-33	Damage claim against a Municipal District	.....	No Jurisdiction 11(1)

## Complaints Against Federal Departments or Agencies

69-410-23	Immigration application	.....	No Jurisdiction 11(1)
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## Private Matter

69-420-18	Financial difficulties	.....	No Jurisdiction 11(1)
420-46	Home rental agreement	.....	No Jurisdiction 11(1)
* 420-68	Homeowner's Tax Grant	.....	No Jurisdiction 11(1)
420-83	Injury at work	.....	Rectified
420-84	Land purchase proposal	.....	No Jurisdiction 11(1)
420-115	Termination of private employment	.....	No Jurisdiction 11(1)
420-116	Motor vehicle insurance contract	.....	No Jurisdiction 11(1)

## No Specific Complaint Made

69-450-7	Government contract	.....	Discontinued 11(1)
450-13	Omnibus issues	.....	Abandoned
450-14	Omnibus issues	.....	No Jurisdiction 11(1)
450-15	Religious community	.....	Information supplied

No Specific Complaint Made (Cont'd)

69-450-22      Request for appointment      .....      Abandoned

Courts of Law

69-460-3	Criminal conviction .....	No Jurisdiction	11(1)
460-41	Family dispute .....	No Jurisdiction	11(1)
460-43	Adjournments in divorce action .....	No Jurisdiction	11(1)
460-44	Order under Alimony Orders Enforcement Act .....	No Jurisdiction	11(1)

Request For Assistance - No Complaint Involved

69-470-10	Pensions for disabled persons .....	Information supplied	
470-14	Value of shares of private company .....	No Jurisdiction	11(1)

# Appendix IV

## GOVERNMENT DEPARTMENTS OR AGENCIES

November 1, 1969 to December 31, 1969

<u>Alberta Government Telephones</u>		(1)
69/70-260-1	Phone service discontinued .....	Abandoned
<u>Alberta Health Care Insurance Commission</u>		(4)
*69/70-370-1	Assessed as married couple - husband dead .....	Rectified
370-2	Request payment of dental bill .....	Declined 12(1)(a)
370-3	No refund from Alta. Health Plan .....	Rectified
370-4	Health Care Insurance cancelled .....	Not Justified
<u>Alberta Liquor Control Board</u>		(1)
69/70-320-1	Discount on bulk sales of beer .....	Abandoned
<u>Alberta Securities Commission</u>		(2)
69/70-290-1	Alta. Securities Commission discrediting company .....	Rectified
290-2	Securities license suspended unfairly .....	Declined 12(1)(a)
<u>Department of Agriculture</u>		(1)



Department of the Attorney General

*69/70-110-1	Conduct of R.C.M.P. officers during search .....	Withdrawn
110-2	Barber training cancelled in Provincial Gaol ....	Declined 14(1)(b)
* 110-3	Loss of license due to mistaken identity .....	Rectified
110-4	Mother asked to contribute for son's dental work ....	Not Justified
110-6	Mistreatment by Warden .....	Not Justified
110-7	Delay in returning stolen vehicle .....	Declined 12(1)(a)
110-8	Former Government employee requests remuneration adjustment .....	Discontinued 11(1)
110-9	Discharged from position in Courthouse .....	Not Justified
110-10	Inadequate medical attention .....	Discontinued 14(1)(b)
110-11	Repossessed truck sold .....	Declined 12(1)
110-12	Mail service in prison .....	Declined 14(1)(b)
110-13	Mistreatment in Provincial Gaol .....	Investigation
110-14	Earned remission not counted .....	No Jurisdiction 11(1)

Department of Education

69/70-120-1	Discrimination - students in small schools .....	Declined 14(1)(a)
* 120-2	Unable to obtain assistance for education in B.C. ....	Rectified
120-3	Dismissed unfairly from teaching .....	Not Justified
120-4	Dismissed from teaching post .....	Not Justified

Department of Health

69/70-130-1	Unpaid hospital bill .....	Rectified
130-2	Total salary garnisheed .....	Not Justified
130-3	Confinement in mental institution .....	Declined 14(1)(a)

Department of Highways & Transport

(5)

69/70-140-1 Operator's license to be suspended ..... Declined 12(1)(a)  
140-2 Accident caused by faulty cattleguard ..... No Jurisdiction 11(1)  
\* 140-3 No severance pay or pension payments ..... Rectified  
140-4 Subcontractor not paid ..... Not Justified  
140-5 License suspension ..... Declined 12(1)(a)

Department of Industry & Tourism

(1)

\*69/70-150-1 Listing cancelled in accommodation guide ..... Rectified

Department of Lands & Forests

(6)

69/70-170-1 Farm buildings burned ..... No Jurisdiction 11(1)  
170-2 Two cows killed by N.A.R. train ..... No Jurisdiction 11(1)  
170-3 Summons to hunters unfair ..... Declined 12(1)(a)  
170-4 Limited license for pheasant shooting ranch ..... Discontinued  
170-5 Remuneration for use of fence ..... No Jurisdiction 11(1)  
\* 170-6 Application for grazing lease ..... Rectified

Department of Municipal Affairs

(2)

69/70-190-1 Part of Homeowner's Grant withheld ..... Declined 12(1)(a)  
190-2 Mix-up in Homeowner's Tax Discount ..... No Jurisdiction 11(1)

Department of Social Development

(9)

69/70-210-2	Discrimination against landlords	.....	Abandoned
210-3	Delay in receiving rent cheques	.....	Not Justified
210-4	Treated by strange doctor	.....	Not Justified
210-5	Children removed from home	.....	Not Justified
210-6	Custody of her youngest son	.....	Not Justified
210-7	Wants return of baby	.....	Not Justified
210-8	Assaulted at Single Men's Hostel	.....	Declined 14(1) (b)
210-9	Collection procedure	.....	Declined 14(1) (b)

Provincial Planning Board

(2)

69/70-340-1	Application for subdividing property refused	.....	Withdrawn
340-2	Property rezoned without her knowledge	.....	Not Justified

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Provincial Secretary

(3)

69/70-200-1	Over assessed on five parcels of land	.....	Declined 14(1)(a)
200-2	Real estate agent's license refused	.....	Not Justified
200-3	Change of name	.....	Discontinued 14(1) (a)

Provincial Treasurer

(1)

69/70-250-1	Irregularities by Treasury Branch	.....	Investigation
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Public Service Commission

(2)

69/70-280-1	Delay in receiving first pension	.....	Declined 14(1)(a)
280-2	Failure to gain employment in public service	.....	Not Justified

Workmen's Compensation Board

(15)

69/70-300-1	Compensation unsatisfactory for injury	.....	Declined 12(1)(a)
300-2	Dissatisfaction with compensation	.....	Not Justified
300-3	Loss of sight in one eye	.....	Not Justified
300-4	Compensation unsatisfactory	.....	Declined 12(1)(a)
300-5	Compensation reduced	.....	Declined 12(1)(a)
300-6	Compensation inadequate	.....	Declined 12(1)(a)
300-7	Compensation refused	.....	Declined 12(1)(a)
300-8	Not satisfied with compensation	.....	Declined 12(1)(a)
300-9	Unsatisfactory claim from Board	.....	Not Justified
300-10	No compensation	.....	Declined 12(1)(a)
300-11	Compensation cancelled	.....	Declined 12(1)(a)
300-12	Pension inadequate	.....	Not Justified
300-13	Compensation unsatisfactory	..... No Jurisdiction 11(1)	
300-14	Safety inspections	.....	Not Justified
300-15	Inadequate compensation	.....	Not Justified



# Complaints Against Cities, Municipalities, Towns, Etc.

(2)

69/70-400-1	Difficulty in paying license on mobile home .	No Jurisdiction 11(1)
400-2	Failed to lease land .....	No Jurisdiction 11(1)

# Complaints Against Federal Departments or Agencies

(6)

69/70-410-1	Job transfer .....	No Jurisdiction 11(1)
410-2	Problem with Income Tax Department .....	No Jurisdiction 11(1)
410-3	Failure to receive unemployment insurance ...	No Jurisdiction 11(1)
410-4	Delay in receipt of funds from Federal Gov't .	No Jurisdiction 11(1)
410-5	Deportation order by Canadian Immigration ...	No Jurisdiction 11(1)
410-6	Deportation proceedings .....	No Jurisdiction 11(1)

# Private Matter

(18)

69/70-420-1	Car sold in faulty condition .....	No Jurisdiction 11(1)
420-2	Damage deposit refund not satisfactory .....	No Jurisdiction 11(1)
420-3	Omnibus issues .....	No Jurisdiction 11(1)
420-4	Unfair treatment by bank .....	No Jurisdiction 11(1)
420-5	Lamb weight unsatisfactory in settlement ....	No Jurisdiction 11(1)
420-6	Unfair discharge of orderly from hospital ...	No Jurisdiction 11(1)
420-7	Objects to deduction for staff association ..	No Jurisdiction 11(1)
420-8	Part loss of tractor and brush plow in fire .	No Jurisdiction 11(1)
420-9	Evicted from low-cost housing .....	No Jurisdiction 11(1)
420-11	Omnibus complaint .....	No Jurisdiction 11(1)
420-13	Mishandling of estate by lawyer & executrix .	No Jurisdiction 11(1)
420-14	Against doctor .....	No Jurisdiction 11(1)

Private Matter (Cont'd)

69/70-420-15	Damage to house in moving it .....	No Jurisdiction	11(1)
420-16	Treatment in hospital .....	No Jurisdiction	11(1)
420-17	Employment terminated .....	No Jurisdiction	11(1)
420-18	Wife harassed by finance company .....	No Jurisdiction	11(1)
420-19	Dissatisfaction with lawyer .....	No Jurisdiction	11(1)
420-20	Sale of family farm .....	No Jurisdiction	11(1)

No Specific Complaint Made

(3)

69/70-450-1	Invasion of privacy by Provincial Government ....	Declined	14(1) (b)
450-2	Request for appointment .....	No Jurisdiction	11(1)
450-3	Legal problem .....	Abandoned	

Courts of Law

(15)

69/70-460-1	Conviction for impaired driving .....	No Jurisdiction	11(1)
460-2	False evidence in divorce court .....	No Jurisdiction	11(1)
460-3	Operator's license suspended .....	No Jurisdiction	11(1)
460-4	Order for separation and maintenance .....	No Jurisdiction	11(1)
460-5	Conflict in payment of alimony .....	No Jurisdiction	11(1)
460-6	Driver's license suspended .....	No Jurisdiction	11(1)
460-7	Trying to avoid charge in other province ....	No Jurisdiction	11(1)
460-8	Driver's license suspended .....	No Jurisdiction	11(1)
460-9	Wrongfully convicted of robbery .....	No Jurisdiction	11(1)
460-11	Unfairly fined for illegal parking .....	No Jurisdiction	11(1)
460-12	Delay in trial .....	No Jurisdiction	11(1)
460-13	Unfairly convicted after plea of guilty ....	No Jurisdiction	11(1)
460-14	Fined and driver's license suspended .....	No Jurisdiction	11(1)

69/70-460-16 Criminal charges ..... No Jurisdiction 11(1)

Request For Assistance - No Complaint Involved

(3)

69/70-470-1 Broken leg - wants public assistance ..... Information supplied  
470-2 Wants police record of a girl ..... No Jurisdiction 11(1)  
470-3 Son registered under assumed name ..... Information supplied

Complaints re Universities

(2)

69/70-490-1 Forced to resign from university ..... No Jurisdiction 11(1)  
490-2 Termination of employment ..... No Jurisdiction 11(1)

# GOVERNMENT DEPARTMENTS OR AGENCIES

1970

## Alberta Government Telephones

(13)

70-260-1	Phone service unsatisfactory .....	Not Justified
260-2	Telephone service discontinued .....	Not Justified
260-3	Telephone service to be discontinued .....	Declined 14(1)(a)
260-4	Telephone disconnected .....	Declined 14(1)(a)
260-5	Employment difficulties .....	Not Justified
* 260-6	Unjust billing by A.G.T. ....	Not Justified
260-7	Disconnected telephone service .....	Abandoned
260-8	Telephone service discontinued .....	Not Justified
260-9	Unfair dismissal from employment .....	Not Justified
260-10	Employment with A.G.T. ....	Not Justified
260-11	Telephone service .....	Not Justified
260-12	Telephone service .....	Investigation
260-13	Deposit required before telephone installation .....	Investigation

## Alberta Health Care Insurance Commission

(13)

70-370-1	Claim under Alberta Health Care .....	Declined 14(1)(a)
370-2	Failure to answer correspondence .....	Rectified
370-4	Duplication of billing under A.H.C.I.C. ....	Rectified
370-5	Delay in payments by A.H.C.I.C. ....	Declined 14(1)(a)
370-6	Unpaid doctor bill .....	Referred to Dept. concerned



70-370-7	Attempt to cancel Health Care coverage .....	Rectified
370-8	Premium for Alberta Health Care Insurance .....	Rectified
* 370-9	Overpayment of health insurance premium .....	Rectified
370-10	Difficulty in recovering overpayment .....	Discontinued
370-11	Delay in recovering overpayment .....	Rectified
370-12	Correspondence ignored .....	Declined 14(1)(a)
370-13	Payment for special treatment not authorized .....	Not Justified
370-14	Incorrect billing by A.H.C.I.C. ....	Information supplied

#### Alberta Liquor Control Board (4)

70-320-1	Cancellation of license .....	Declined 12(1)(a)
320-2	Loss of hotel license .....	Not Justified
320-3	Liquor resale at social function .....	Information supplied
320-4	Proposed winery .....	Investigation

#### Alberta Securities Commission (2)

70-290-1	Accounting by Trust Company .....	No Jurisdiction 11(1)
290-2	Biased legislation and administration .....	Abandoned

#### Alberta Hail & Crop Insurance (3)

*70-390-1	Claim for crop insurance rejected .....	Rectified
390-2	Claim for crop damage .....	Referred to Dept. concerned
390-3	Cancellation of crop insurance .....	Investigation

# Department of Agriculture

(11)

70-100-1	Purchase of land from Farm Purchase Board	.....	Not Justified
100-2	Damage to land by flooding	.....	No Jurisdiction 11(1)
100-3	Determination of disease in dairy cow	.....	Declined 14(1)(a)
100-4	Attempt to build a creamery failed	.....	Declined 12(1)(a)
100-5	Claim for crop insurance	.....	Not Justified
100-6	Payments from Provincial Hog Marketing Board	...	No Jurisdiction 11(1)
100-7	Land improvement loan	.....	Investigation
* 100-8	Salary dispute vocational college instructor	.....	Declined 14(2)(a)
100-9	Damage resulting from alteration of water course	.....	Investigation
100-10	Deprived of water for livestock	.....	Declined 14(1)(a)
100-11	Expelled from Agricultural College	.....	Investigation

# Department of the Attorney General

(55)

70-110-1	Treatment of prisoner	.....	No Jurisdiction 11(1)
* 110-2	Stranded in Alberta after acquittal	.....	Not Justified
110-3	Solitary confinement	.....	Declined 12(1)(a)
110-4	Failure to report	.....	No Jurisdiction 11(1)
* 110-5	Segregated confinement in gaol	.....	Rectified
110-6	Inadequate medical attention at gaol	.....	Not Justified
110-7	Police harassment	.....	Declined 12(1)(a)
110-8	Legal Aid refused for appeal	.....	No Jurisdiction 11(1)
110-9	Inadequate medical treatment	.....	Abandoned
110-10	Job classification in Civil Service	.....	Investigation
110-11	Treatment while confined in prison	.....	Not Justified
110-12	Coroner's inquest indecisive	.....	No Jurisdiction 11(1)
* 110-13	Money found - turned over to R.C.M.P.	.....	No Jurisdiction 11(1)
110-14	Request release from gaol	.....	Declined 14(1)(a)
110-15	Treatment while confined at Institution	.....	Investigation
110-16	Treatment while confined at Institution	.....	Investigation

70-110-17	Stray pony sold at auction	.....	No Jurisdiction 11(1)
110-18	No reply to letter to R.C.M.P.	.....	Information supplied
110-19	Inmate requests transfer	.....	Not Justified
110-20	Assessed costs of investigation	.....	Investigation
* 110-21	Confinement under maximum security	.....	No Jurisdiction 11(1)
110-22	Requests parole as result of prison abuse	.....	Not Justified
110-23	Request for inquest ignored	.....	Declined 12(1)(a)
110-24	Dismissal from job	.....	No Jurisdiction 11(1)
110-25	Compelled to pay for eyeglass frames	.....	Not Justified
110-26	Faithful employee treated unfairly	.....	Declined 14(2)(a)
110-27	Prisoner denied dental treatment	.....	Information supplied
110-28	Treatment while incarcerated	.....	Not Justified
110-29	Treatment while incarcerated	.....	Not Justified
110-30	Administration of gaol	.....	Declined 14(1)(a)
110-31	Inmate requests treatment	.....	Not Justified
110-32	Denied medical attention	.....	Not Justified
110-33	Medical treatment while in custody	.....	Not Justified
110-34	Mistreatment while in custody	.....	Not Justified
110-35	Treatment while confined in gaol	.....	Not Justified
110-36	Wardrobe damage at R.C.M.P. Lab	.....	Declined 14(1)(a)
110-37	Mistreatment while in custody	.....	Declined 14(1)(a)
110-38	Censored mail	.....	Investigation
110-39	Day parole denied	.....	No Jurisdiction 11(1)
110-40	Prisoner refused eyeglasses	.....	Declined 14(1)(a)
110-41	Probation report	.....	Declined 14(1)(a)
110-42	Prisoner complains of lost remission	.....	Investigation
110-43	Prisoner's difficulty in contacting wife & lawyer	.....	Abandoned
110-44	Delay in medical treatment while in custody	.....	Not Justified
110-45	Alleged police brutality	.....	Investigation
110-46	Alleged mistreatment of prisoner	.....	Investigation
110-47	Illegal arrest and imprisonment alleged	.....	No Jurisdiction 11(1)

# Department of the Attorney General (Cont'd)

70-110-48	Procedure in Small Claims Court .....	Investigation
110-49	Medication for prisoner .....	Investigation
110-50	Treatment of prisoner .....	Investigation
110-51	Treatment of prisoner .....	Investigation
110-52	Prisoner billed for dental work .....	Investigation
110-53	Mail to Deputy Attorney General not answered .....	Investigation
110-54	Procedure in laying charge .....	Information supplied
* 110-55	Handling of prisoner's personal property .....	Investigation

## Department of Education

(10)

70-120-1	Refused right to teach .....	Declined 14(1) (b)
120-2	Status under assistance to students .....	Declined 12(1) (a)
120-3	Child discharged from "Opportunity Class" .....	Declined 14(1) (a)
120-4	Educational credentials questioned .....	Withdrawn
120-5	Dismissal from teaching position .....	No Jurisdiction 11(1)
* 120-7	Error in marks on transcripts .....	Rectified
120-8	Failure in effort to obtain senior matriculation .....	Not Justified
120-9	Summer employment for University student .....	Rectified
* 120-10	Student financial assistance .....	Rectified
120-11	Unfair dismissal of teacher .....	Not Justified

## Department of Health

(32)

70-130-1	Wrongfully committed to mental hospital .....	Not Justified
130-2	Detention in mental institute .....	Rectified
130-3	Improper release from mental hospital .....	Rectified
130-4	Detention in mental institution .....	Rectified

70-130-6	Distinct Nursing Station to be closed	.....	Discontinued 14(1)
130-7	Detained in mental institution	.....	Not Justified
130-8	Assistance for inmate in mental institution	.....	Declined 12(1)(a)
130-9	Improper committal to mental hospital	.....	Rectified
130-10	Detention in mental institution	.....	Declined 12(1)(a)
130-11	Dismissal from Nursing Course	.....	No Jurisdiction 11(1)
130-12	Detention at mental hospital	.....	Declined 12(1)(a)
130-13	Detention in mental institution	.....	Declined 12(1)(a)
130-14	Treatment of child in school hospital	.....	Investigation
130-15	Anonymous - discrimination in Nursing Aide School	..	Declined 14(1)(b)
130-17	Employment refused	.....	No Jurisdiction 11(1)
130-18	Detention at mental hospital	.....	Information supplied
130-19	Detention in mental hospital	.....	Not Justified
130-20	Loss of wages resulting from quarantine	.....	No Jurisdiction 11(1)
130-21	Detention in mental institution	.....	Not Justified
130-22	Commitment to mental hospital	.....	Discontinued
130-23	Hospital billing for certified patient	.....	No Jurisdiction 11(1)
130-24	Treatment by psychiatrists	.....	Withdrawn
130-25	Detention in mental hospital	.....	Not Justified
130-26	Detention in mental hospital	.....	Not Justified
130-27	Failure to remove illegal dump	.....	Investigation
130-28	Treatment at mental institution	.....	Declined 14(1)(a)
130-29	Reimbursement under Alberta Health Plan	.....	Investigation
130-30	Work therapy program	.....	Investigation
130-31	Delayed admission to Provincial Hospital	.....	Investigation
130-32	Birth certificate	.....	Investigation
130-33	Unfair dismissal from hospital	.....	Investigation

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# Department of Highways & Transport

(36)

70-140-1	Loss of license .....	Not Justified
140-2	Driver's license withheld .....	Abandoned
140-3	Payment from Accident Claims Fund refused .....	Rectified
140-4	Driver's license suspended .....	Not Justified
140-5	Examination every year for drivers 70 and over .....	Declined 14(1)(a)
* 140-6	Application under Motor Vehicle Accident Claims Fund .....	Rectified
140-7	Road contracts losses .....	Investigation
140-8	Failure to obtain driver's license .....	Rectified
140-9	Restricted sign off highway .....	Not Justified
140-10	Licensing a farm vehicle .....	Discontinued 14(1)(b)
140-11	Dangerous highway intersection .....	Declined 12(1)(a)
140-12	Mistreatment of employee of Motor Vehicles Branch ..	Declined 14(1)(a)
140-13	Application of funds from Judgment .....	Not Justified
140-14	Limit \$5,000 from Unsatisfied Judgment Fund .....	Not Justified
140-15	Cancellation of vehicle testing .....	Declined 14(1)(b)
140-16	Damage to car caused by sanding truck .....	Declined 12(1)(a)
140-17	Lease on lot cancelled .....	Investigation
140-18	Claim against Motor Vehicle Accident Claims Fund ...	Declined 12(1)(a)
140-19	Claim for damage to property .....	Declined 12(1)(a)
140-20	Damage to property by drainage ditches .....	Declined 14(1)(a)
140-21	Access to business premises from highway .....	Investigation
140-22	Claim for son's funeral expenses .....	Discontinued 14(1)(a)
140-23	Financial responsibility to Motor Vehicle Accident Claims Fund .....	Withdrawn
140-24	Drainage problem resulting from highway construction ...	Investigation
140-25	Expropriation of land for highway .....	Declined 14(1)(a)
140-26	Unjustified dismissal .....	Not Justified
140-27	Denied driver's license .....	Not Justified
140-28	Judgments imposed against juveniles .....	Declined 12(1)
140-29	Indebtedness to Motor Vehicle Accident Claims Fund ....	Not Justified

## Department of Highways & Transport (Cont'd)

70-140-31	Conduct of Dept. of Highways officers .....	Declined 14(1)(a)
140-32	Requests delay in closing auto wrecking yard .....	Not Justified
140-33	Unfair car insurance premiums .....	No Jurisdiction 11(1)
140-34	Flooding caused by highway construction .....	Investigation
140-35	Indebtedness to Motor Vehicle Accident Claims Fund .....	Not Justified
140-36	Difficulty getting money from Motor Vehicle Accident Claims Fund .....	Investigation

## Department of Industry & Tourism (4)

70-150-1	By-laws of a co-op .....	Investigation
150-2	Identity of successful bidder .....	Declined 14(1)(b)
150-3	Co-op denied right to sell shares .....	Declined 14(1)(b)
150-4	Co-op application rejected .....	Declined 14(2)(b)(iii)

## Department of Labour (8)

70-160-1	Compulsory change of union .....	Declined 12(1)(a)
160-2	Failure to receive increases .....	Not Justified
160-3	Ethics of Board of Industrial Relations .....	Declined 14(1)(a)
160-4	Alleged violations - Alberta Labour Act .....	Investigation
160-5	Holiday pay claim .....	Declined 14(1)(a)
160-6	Collection of wages .....	Investigation
160-7	Regulations re hours of work .....	Investigation
160-8	Unfair hearing by Apprentices Board .....	Investigation

# Department of Lands & Forests

(13)

70-170-1	Limit on timber operations	.....	Declined 12(1)(a)
170-2	Termination of license	.....	Declined 12(1)(a)
170-3	Claim against Hunters Relief Fund	.....	Not Justified
170-4	Damage to forest reserves	.....	Declined 14(1)(b)
170-5	Seizure of vehicle under Game Act	.....	Not Justified
170-6	Lease land for summer cottage	.....	Declined 14(1)(b)
170-7	Demands made on sawmill operator	.....	Declined 14(1)(a)
170-8	Lease of Crown land access rights	.....	Not Justified
170-9	Cancelled timber lease	.....	Abandoned
170-10	Dismissal from employment	.....	Abandoned
170-11	Boundaries of wildlife sanctuary	.....	Not Justified
170-12	Damage done by beavers	.....	Not Justified
170-13	Reduction in lease	.....	Investigation

# Department of Mines & Minerals

(2)

70-180-2	Damage to farm land	.....	Declined 14(1)(a)
180-3	Disputed ownership of mineral rights	.....	Declined 12(1)(a)

# Department of Municipal Affairs

(11)

70-190-1	Arrears of taxes	.....	Declined 12(1)(a)
190-2	Property tax assessment	.....	Rectified
190-3	Receipt for 1969 taxes	.....	Rectified
190-4	Taxation assessment dispute	.....	No Jurisdiction 11(1)
190-5	Property tax assessment	.....	Declined 12(1)
190-6	Appeal on property tax assessment	.....	Declined 12(1)(a)
190-7	Remissions governing trailer count	.....	Declined 14(1)(a)

DEPARTMENT OF MUNICIPAL AFFAIRS (Cont'd)

Department of Municipal Affairs (Cont'd)

70-190-10	Department's refusal to act	.....	Not Justified
190-11	Homeowner's grant	.....	Information supplied
190-12	Replot survey of settlement	.....	Investigation

Department of Public Works

(4)

70-220-1	Cancellation of cleaning contract	.....	Declined 12(1)(a)
220-2	Flood damage	.....	Declined 12(1)(a)
220-3	Loss of employment	.....	Not Justified
220-4	Dismissal from job	.....	Investigation

Department of Social Development

(52)

70-210-1	Claims human rights violated by welfare	.....	Not Justified
210-2	Invalid father	.....	Investigation
210-3	Inadequate social allowance	.....	Not Justified
* 210-4	Brutality at Edmonton Men's Hostel	.....	Declined 14(1)(a)
210-5	Welfare assistance	.....	Declined 12(1)(a)
210-6	Care of welfare children	.....	Declined 14(1)(b)
210-7	Nonpayment of support	.....	Rectified
210-8	Social allowance assistance	.....	No Jurisdiction 11(1)
210-9	Child adoption	.....	Rectified
210-10	Child welfare payments discontinued	.....	Not Justified
210-11	Intrusion into home by mental patient	.....	No Jurisdiction 11(1)
210-12	Welfare assistance	.....	Abandoned
210-13	Assistance requested	.....	Rectified
210-14	Welfare inadequate	.....	Investigation
210-15	Single man wishes to adopt child	.....	Declined 14(1)(b)
210-16	Daughter apprehended by welfare	.....	Not Justified

# Department of Social Development (Cont'd)

70-210-17	Injury in car accident .....	Investigation
210-18	Welfare separating man and wife .....	Not Justified
210-19	Special diet in hostel .....	Discontinued 14(1)(b)
210-20	Child custody .....	Not Justified
210-21	Children apprehended by welfare officer .....	Investigation
210-22	Mistreatment at Single Men's Hostel .....	Abandoned
210-23	Foster parent difficulties .....	Abandoned
210-24	Child custody .....	Not Justified
210-25	Drugstore discrimination .....	Abandoned
210-26	Alleged mistreatment by welfare employee .....	Abandoned
210-27	Insufficient welfare .....	Withdrawn
210-28	Removal of adoptive baby .....	Not Justified
210-29	Disputed allowances .....	Not Justified
210-30	Special assistance denied .....	Information supplied
210-31	Removal of adoptive baby .....	Rectified
210-32	Insufficient aid from welfare .....	Not Justified
210-33	Requirement for compulsory inoculation of adoptive children .....	Rectified
210-34	Inadequate medication provided .....	No Jurisdiction 11(1)
210-35	Custody of son .....	Not Justified
210-36	Dispute with foster parents .....	Not Justified
210-37	Inadequate assistance .....	Rectified
210-38	Additional social allowances refused .....	Discontinued 14(1)(b)
210-39	Custody of child .....	Information supplied
210-40	Assistance denied .....	Investigation
210-41	Assistance denied .....	Investigation
210-42	Failure to enforce payment schedule .....	Investigation
210-43	Unnecessary delay in adoption procedures .....	Not Justified
210-44	Medical expenses for adopted child .....	Investigation
210-45	Temporary assistance denied .....	Not Justified

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Department of Social Development (Cont'd)

70-210-47	Insufficient financial assistance .....	Declined 14(1)(a)
210-48	Family allowance trust account .....	Investigation
210-49	Recovery of overpayment of social assistance .....	Investigation
210-50	Social assistance allowance withheld .....	Investigation
210-51	Inadequate financial assistance .....	Investigation
210-52	Insufficient assistance .....	Investigation

Human Resources Development

(1)

70-380-1	Refusal by Director, Human Resources Development Authority, to provide written reply .....	Declined 14(1)(a) & 14(2)(iii)
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Provincial Planning Board

(3)

70-340-2	Transfer of plot of land .....	Not Justified
340-3	Settlement of a border line .....	Declined 14(1)(a)
340-4	Objection to low-cost housing plan .....	Declined 14(1)(a)

Provincial Secretary

(6)

70-200-1	Film censorship .....	No Jurisdiction 11(1)
* 200-2	Defrauded by real estate salesman .....	Not Justified
200-3	Censorship of motion pictures .....	Declined 14(1)(a)
200-4	Suspension of Government employee .....	Declined 14(2)(b)(iii)
200-5	Alleged discriminatory actions of Government official ..	Investigation
200-6	Failure to apply sanction on real estate operator .....	Investigation

# Provincial Treasurer

(3)

70-250-1	Improper charges to bank account	Not Justified
250-3	Loss of premium money	Declined 14(1)(a)
250-4	Dismissal from employment	Investigation

## Public Service Commission

(5)

70-280-1	Discrimination in employment	Not Justified
280-2	Rejection of employment application	Not Justified
280-3	Discrimination against alien resident	Not Justified
280-4	Employment threatened	No Jurisdiction 11(1)
280-5	Rejection of employment application	Not Justified

## Public Service Pension Board

(2)

70-350-1	Inadequate pension for widow of teacher	Not Justified
350-2	Errors in computing pension	Not Justified

## Public Trustee

(17)

70-330-1	Settlement of estate	Not Justified
330-2	Dissatisfaction with settlement of estate	Not Justified
330-3	Administration of estate	Declined 14(1)(a)
330-4	Distribution of estate	No Jurisdiction 11(1)
330-5	Settlement of an estate	Abandoned
330-6	Authority to administer affairs of minor	Not Justified
330-7	Arrears of alimony	Declined 14(1)(a)
330-8	Foreclosure planned	Discontinued 14(1)(a)

Public Trustee (Cont'd)

70-330-10	Handling of estate of released patient	Declined 14(1)(b)
330-11	Not allowed to handle own affairs	Discontinued
330-12	Money owed to an estate	Rectified
330-13	Settlement of estate	Investigation
330-14	Refund money paid to mental institution	Not Justified
330-15	Administration of trust fund	Investigation
330-16	Mental incompetent's affairs	Investigation
330-17	Inadequate support from Public Trustee	Investigation

Public Utilities Board

(5)

70-270-1	Sale of electrical power and natural gas	No Jurisdiction 11(1)
270-2	Compensation awarded	Declined 14(1)(a)
270-3	Remuneration for mineral rights	Discontinued
270-4	Price increase for Northland Utilities Ltd.	Declined 12(1)(a)
270-5	Pipeline expropriation	Withdrawn

Board of Administrators Teachers' Retirement Fund (1)

70-240-1	Withholding pension refund	Investigation
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Workmen's Compensation Board

(75)

70-300-1	Failure to receive compensation	Declined 12(1)(a)
300-2	Compensation too low	Declined 12(1)(a)
300-3	Compensation not adequate	Not Justified
300-4	Compensation inadequate	Declined 12(1)(a)
300-5	Inadequate compensation	Declined 12(1)(a)

# Workmen's Compensation Board (Cont'd)

70-300-6	Pension inadequate	.....	Declined 12(1)(a)
300-7	Compensation inadequate	.....	Declined 12(1)(a)
300-8	Claim for compensation	.....	Abandoned
300-9	Failure to approve safety equipment	.....	Discontinued 14(1)(b)
300-10	Delay by W.C.B.	.....	Discontinued
300-11	Pension insufficient	.....	Declined 12(1)(a)
300-12	W.C.B. hearing unsatisfactory	.....	Not Justified
300-13	Inadequate compensation	.....	Not Justified
300-14	No report to W.C.B.	.....	Rectified
300-15	Pension inadequate for injury	.....	Declined 12(1)(a)
300-16	Claim for compensation rejected	.....	No Jurisdiction 11(1)
300-17	Claim for compensation rejected	.....	Not Justified
300-18	Section 27 Workmen's Compensation Act review denied	....	Not Justified
300-19	Compensation denied	.....	No Jurisdiction 11(1)
300-20	Compensation inadequate	.....	Not Justified
300-21	Compensation inadequate	.....	Declined 12(1)(a)
300-22	Compensation rejected	.....	Investigation
300-23	Compensation rejected	.....	Not Justified
300-24	Compensation refused	.....	Declined 12(1)(a)
300-25	Compensation stopped	.....	Declined 12(1)(a)
300-26	Inadequate compensation	.....	Declined 12(1)(a)
300-27	Compensation inadequate	.....	Declined 12(1)(a)
300-28	Compensation refused	.....	Not Justified
300-29	Compensation inadequate	.....	Not Justified
300-30	Compensation denied	.....	Declined 12(1)(a)
300-31	Compensation inadequate	.....	Declined 12(1)(a)
300-32	Compensation refused	.....	Not Justified
300-33	Compensation inadequate	.....	Not Justified
300-34	Commutation of W.C.B. benefits	.....	Not Justified
300-35	Compensation inadequate	.....	Declined 12(1)(a)

70-300-37	Compensation inadequate	.....	Declined 12(1)(a)
300-38	Compensation refused	.....	Not Justified
300-39	Compensation inadequate	.....	Not Justified
300-40	Compensation inadequate	.....	No Jurisdiction 11(1)
300-41	Compensation refused	.....	Declined 12(1)(a)
300-42	Requirement to register under Workmen's Compensation Act	.....	Abandoned
300-43	Compensation refused	.....	Not Justified
300-44	Compensation refused	.....	Not Justified
300-45	Improper procedures	.....	Not Justified
300-46	Payment from trust fund to children	.....	Information supplied
300-47	Interference in business	.....	Abandoned
300-48	Inadequate compensation	.....	Not Justified
300-49	Inadequate compensation	.....	Declined 12(1)(a)
300-50	Inadequate settlements	.....	Investigation
300-51	Disability pension inadequate	.....	Investigation
300-52	Compensation inadequate	.....	Declined 12(1)(a)
300-53	Compensation refused	.....	No Jurisdiction 11(1)
300-54	Compensation denied	.....	Declined 12(1)(a)
300-55	Pension terminated unjustly	.....	Declined 12(1)(a)
300-56	Pension inadequate for injury	.....	Abandoned
300-57	Compensation inadequate	.....	Declined 12(1)(a)
300-58	Compensation cheques delayed continually	.....	Not Justified
300-59	Improper computation of pension	.....	Investigation
300-60	Compensation refused	.....	Not Justified
300-61	Commutation of pension	.....	Investigation
300-62	Pension inadequate	.....	Investigation
300-63	Inadequate compensation	.....	Declined 14(1)(b)
300-64	Compensation inadequate	.....	Declined 12(1)(a)
300-65	Compensation inadequate	.....	Rectified
300-66	Widow's pension refused	.....	Investigation

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# Workmen's Compensation Board (Cont'd)

70-300-67	Compensation inadequate	.....	Not Justified
300-68	Compensation stopped prematurely	.....	Declined 12(1)(a)
300-69	Compensation inadequate	.....	Rectified
300-70	Compensation inadequate	.....	Not Justified
300-71	Compensation stopped prematurely	.....	Declined 12(1)(a)
300-72	Pension inadequate for injury	.....	Investigation
300-73	Compensation stopped prematurely	.....	Investigation
300-74	Compensation inadequate	.....	Investigation
300-75	Compensation refused	.....	Investigation

Complaints Against Cities, Municipalities, Towns, Etc.

(27)

70-400-1	Student transported by bus .....	No Jurisdiction 11(1)
400-2	Rezoning for low-cost housing .....	No Jurisdiction 11(1)
400-3	Damage to land by flooding .....	No Jurisdiction 11(1)
400-4	Cancellation of school bus contract .....	No Jurisdiction 11(1)
400-5	Ninety-nine year lease on property .....	No Jurisdiction 11(1)
400-6	Arrest of wife not justified .....	No Jurisdiction 11(1)
400-7	Water and sewage services denied .....	Declined 14(1)(a)
400-8	Order to vacate property .....	No Jurisdiction 11(1)
400-9	Municipal tax assessment .....	Declined 14(1)(a)
400-10	City planning .....	Declined 12(1)(a)
400-11	Service charge on utility account .....	Declined 11(1)
400-12	Property damage claim against city ignored .....	No Jurisdiction 11(1)
400-13	Smallholders' property devalued .....	No Jurisdiction 11(1)
400-14	High water problem .....	Declined 12(1)(a)
400-15	Proposed subdivision .....	Investigation
400-16	Qualifications for Homeowner's Grant .....	No Jurisdiction 11(1)
400-17	Compulsory nature of fringe benefits .....	No Jurisdiction 11(1)
400-18	Unfair property tax .....	No Jurisdiction 11(1)
400-19	Incompetent police investigation .....	No Jurisdiction 11(1)
400-20	Annexation charges by city .....	No Jurisdiction 11(1)
400-21	Zoning regulations in Calgary .....	No Jurisdiction 11(1)
400-22	School bus route .....	No Jurisdiction 11(1)
400-23	Mill rate set by town .....	No Jurisdiction 11(1)
400-24	Zoning by-laws .....	No Jurisdiction 11(1)
400-25	Dispute with town following replot .....	No Jurisdiction 11(1)
400-26	Accommodation standards inconsistent .....	No Jurisdiction 11(1)
400-27	Complaint against county council .....	Declined 14(1)(a)
		Investigation

# Complaints Against Federal Departments or Agencies

(26)

70-410-1	Misunderstanding with Taxation Division	.....	.....	Withdrawn
410-2	Quota on sale of cream	.....	No Jurisdiction	11(1)
410-3	Parole discontinued	.....	No Jurisdiction	11(1)
410-4	Deportation order	.....	No Jurisdiction	11(1)
410-5	U.S. Income Tax assessment	.....	No Jurisdiction	11(1)
410-6	Unemployment Insurance Commission	.....	No Jurisdiction	11(1)
410-7	Objection to Bill C3	.....	No Jurisdiction	11(1)
410-8	Unemployment Insurance inadequate	.....	No Jurisdiction	11(1)
410-9	Visitor from Russia refused entry	.....	No Jurisdiction	11(1)
410-10	Objection to findings of Unemployment Insurance Commission	.....	No Jurisdiction	11(1)
410-12	Inadequate Federal Pension	.....	No Jurisdiction	11(1)
410-13	Alleged theft of mail	.....	No Jurisdiction	11(1)
410-14	Assistance in obtaining paycheck	.....	No Jurisdiction	11(1)
410-15	Delay in delivery of mail	.....	No Jurisdiction	11(1)
410-16	Anonymous - discrimination against immigrants	..	No Jurisdiction	11(1)
410-17	Income Tax assessment	.....	No Jurisdiction	11(1)
410-18	Rights of a veteran's widow	.....	No Jurisdiction	11(1)
410-19	Funeral expenses of veteran	.....	No Jurisdiction	11(1)
410-20	Retroactive pay withheld	.....	No Jurisdiction	11(1)
410-21	Violation of parole	.....	No Jurisdiction	11(1)
410-22	Overpayment of Income Tax	.....	No Jurisdiction	11(1)
410-23	Claim for Unemployment Insurance	.....	No Jurisdiction	11(1)
410-24	Appeal from deportation	.....	No Jurisdiction	11(1)
410-26	Unemployment Insurance denied	.....	No Jurisdiction	11(1)
410-27	Canada Pension Plan Death Benefits	.....	No Jurisdiction	11(1)
410-28	Transfer to another penitentiary	.....	No Jurisdiction	11(1)

70-420-1	Loss of bed roll and suitcase .....	No Jurisdiction	11(1)
420-2	Overcharge of registration fee .....	No Jurisdiction	11(1)
420-3	Purchase of a vacuum cleaner .....	No Jurisdiction	11(1)
420-4	Settlement of an estate .....	No Jurisdiction	11(1)
420-5	Life Insurance .....	No Jurisdiction	11(1)
420-6	Unpaid Judgment balance .....	No Jurisdiction	11(1)
420-7	Unsatisfactory sale of real estate .....	No Jurisdiction	11(1)
420-8	Hail Insurance settlement .....	No Jurisdiction	11(1)
420-9	Payment for fighting bush fire .....	No Jurisdiction	11(1)
420-11	Rudeness on part of apartment house owner .....	No Jurisdiction	11(1)
420-13	Electric bill unpaid by former tenant .....	Declined 12(1)(a)	
420-15	Family deserted by husband .....	No Jurisdiction	11(1)
420-16	Dispute in crop sharing .....	No Jurisdiction	11(1)
420-17	Repossession of car .....	No Jurisdiction	11(1)
420-18	Canadian Corps of Commissioners .....	No Jurisdiction	11(1)
420-19	Contract with investment firm .....	No Jurisdiction	11(1)
420-20	Responsibility of registered owner of automobile .....	No Jurisdiction	11(1)
420-21	Employment problems .....	No Jurisdiction	11(1)
420-22	Forced sale of poultry farm .....	Abandoned	
420-23	Landlord-tenant dispute .....	No Jurisdiction	11(1)
420-24	Settlement of arrears in purchase of truck .....	No Jurisdiction	11(1)
420-25	Nonpayment of insurance claim .....	No Jurisdiction	11(1)
420-26	Nonpayment of wages .....	Declined 14(1)(a)	
420-27	Mechanics lien registered in error .....	No Jurisdiction	11(1)
420-28	Harassment by creditors .....	No Jurisdiction	11(1)
420-29	Unsuccessful business venture .....	No Jurisdiction	11(1)
420-30	Contravention of by-laws of Society .....	No Jurisdiction	11(1)
420-31	Unsatisfactory insurance adjustment .....	No Jurisdiction	11(1)
420-32	Sale of property .....	No Jurisdiction	11(1)
420-33	Injury in an accident .....	No Jurisdiction	11(1)

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Private Matter (Cont'd)

70-420-34	Necessity of appraising a second time	No Jurisdiction	11(1)
420-35	Allegation of forgeries by stepson	No Jurisdiction	11(1)
420-36	Faulty grain bins	No Jurisdiction	11(1)
420-37	Settlement offer under retirement plan	No Jurisdiction	11(1)
420-38	Payment for drugs under Blue Cross	No Jurisdiction	11(1)
420-39	High pressure by loan company	No Jurisdiction	11(1)
420-40	Raise in pay not granted	Declined	14(1)(a)
420-41	Pre-arranged funeral contract	No Jurisdiction	11(1)
420-42	Airline Training Course	No Jurisdiction	11(1)
420-43	Employment with bakery company	No Jurisdiction	11(1)
420-44	Omnibus complaint	No Jurisdiction	11(1)
420-45	Injured finger	Declined	14(1)(b)
420-46	Rate charged for electricity	No Jurisdiction	11(1)
420-47	Settlement of dealer contract	No Jurisdiction	11(1)
420-48	Refund damage deposit	No Jurisdiction	11(1)
420-49	Dispute in trailer camp rental	No Jurisdiction	11(1)
420-50	Payment for geophysical operations	No Jurisdiction	11(1)
420-51	Settlement of estate	Declined	12(1)(a)
420-52	Excessive doctor's fee	No Jurisdiction	11(1)
420-53	Loss with investment company	No Jurisdiction	11(1)
420-54	Failure of Blue Cross to pay for serum	No Jurisdiction	11(1)
420-55	Repayment of bank loan	No Jurisdiction	11(1)
420-56	Repayment of loan	No Jurisdiction	11(1)
420-57	Mishandling of household furnishings	No Jurisdiction	11(1)
420-58	Handling real estate deal by lawyer	No Jurisdiction	11(1)
420-59	Obligation as co-signer of son's note	Declined	11(1)
420-60	Dispute with Bnai Brith	No Jurisdiction	11(1)
420-61	Demand for money from shareholder	No Jurisdiction	11(1)
420-62	Charter flight cancelled	No Jurisdiction	11(1)
420-63	Recovery of damage deposit	No Jurisdiction	11(1)
420-64		No Jurisdiction	11(1)

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70-420-66	Nonpayment of personal loan .....	No Jurisdiction	11(1)
420-67	Unpaid hospital bill .....	No Jurisdiction	11(1)
420-68	Unpaid board bill .....	No Jurisdiction	11(1)
420-69	Termination of employment .....	No Jurisdiction	11(1)
420-70	Dispute with general contractor .....	No Jurisdiction	11(1)
420-71	Dispute with contractor .....	No Jurisdiction	11(1)
420-72	Collection of wages .....	Referred to Dept. concerned	
420-73	One hundred per cent assignment of wages .....	Referred to Dept. concerned	
420-74	Arbitration award .....	No Jurisdiction	11(1)
420-75	Unsatisfactory business deal .....	No Jurisdiction	11(1)
420-76	Business activities of construction company ....	No Jurisdiction	11(1)
420-77	High pressured into business deal .....	No Jurisdiction	11(1)
420-78	Loss of employment .....	Information supplied	
420-79	Caveat registered illegally .....	No Jurisdiction	11(1)
420-80	Domestic and financial problems .....	No Jurisdiction	11(1)
420-81	Unable to collect money owing .....	No Jurisdiction	11(1)
420-82	Application for certain privileges refused .....	Declined 12(1)(a)	
420-83	Dispute with neighbours .....	Declined 14(1)(a)	
420-84	Dispute with finance company .....	No Jurisdiction	11(1)
420-85	Claim rejected by insurance company .....	No Jurisdiction	11(1)
420-86	Damage deposit withheld .....	No Jurisdiction	11(1)
420-87	Pressure from collection agency .....	No Jurisdiction	11(1)
420-88	Nursing home refuses to refund money .....	Rectified	
420-89	Option to purchase expired .....	No Jurisdiction	11(1)
420-90	Billing for records not ordered or received ....	Information supplied	
420-91	Settling of estate .....	No Jurisdiction	11(1)
420-92	Union membership condition of employment .....	Referred to Dept. concerned	
420-93	Refusal to supply an accounting .....	No Jurisdiction	11(1)

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Private Matter (Cont'd)

70-420-94	Disposition of family estate .....	No Jurisdiction 11(1)
420-95	Disatisfied with conditions in apartment .....	No Jurisdiction 11(1)
420-96	Failure to pay employer .....	No Jurisdiction 11(1)
420-97	Delay in refund on pension plan .....	No Jurisdiction 11(1)
420-98	Cost of moving power line .....	No Jurisdiction 11(1)
420-99	Warranty on refrigerator .....	Referred to Dept. concerned
420-100	Unpaid hotel bill .....	No Jurisdiction 11(1)
420-101	Domestic problems .....	No Jurisdiction 11(1)
420-102	Loss of property .....	No Jurisdiction 11(1)
420-103	Disposition of estate .....	No Jurisdiction 11(1)
420-104	Domestic difficulties .....	No Jurisdiction 11(1)
420-105	Civil action re accident .....	No Jurisdiction 11(1)
420-106	Breach of contract .....	No Jurisdiction 11(1)
420-107	Bankruptcy proceedings .....	No Jurisdiction 11(1)
420-108	Damage to home by large truck .....	No Jurisdiction 11(1)
420-109	Private debt .....	No Jurisdiction 11(1)
420-110	Membership in professional association .....	No Jurisdiction 11(1)
420-111	Employment refused because of handicap .....	No Jurisdiction 11(1)
420-112	Warranty not honoured .....	No Jurisdiction 11(1)
420-113	Hospital fails to provide essentials .....	Referred to Dept. concerned
420-114	Union tyranny .....	No Jurisdiction 11(1)
420-115	Domestic difficulties .....	No Jurisdiction 11(1)
420-116	Child custody .....	No Jurisdiction 11(1)
420-117	Sale of property .....	No Jurisdiction 11(1)
420-118	Settlement of insurance claim .....	No Jurisdiction 11(1)
420-119	Dissatisfaction with lawyer .....	No Jurisdiction 11(1)
420-120	Difficulties emanating from previous employment ..	No Jurisdiction 11(1)
420-121	Personal problem .....	No Jurisdiction 11(1)

70-420-123	Insurance settlement on trailer .....	No Jurisdiction 11(1)
420-124	Division of personal property .....	No Jurisdiction 11(1)
420-125	Return of damage deposit .....	No Jurisdiction 11(1)
420-126	Domestic matter .....	No Jurisdiction 11(1)
420-127	Unable to collect Judgment Award .....	No Jurisdiction 11(1)
420-128	Money withheld by bank .....	No Jurisdiction 11(1)
420-129	Bank loan in arrears .....	No Jurisdiction 11(1)
420-130	Personal business .....	No Jurisdiction 11(1)
420-131	Employee selection, hiring and termination .....	No Jurisdiction 11(1)
420-132	Domestic problems .....	No Jurisdiction 11(1)
420-133	Private health insurance coverage .....	Investigation
420-134	Unfair dismissal from work .....	Investigation
420-135	Welfare recipient not paying rent .....	Investigation
420-136	Personal problem .....	Investigation
420-137	Personal problem .....	Investigation

No Specific Complaint Made (15)

70-450-1	No specific complaint .....	Declined 14(2)(b)(ii)
450-2	Criticism of Roman Catholic Church .....	Declined 14(2)(b)(ii)
450-3	Anonymous - corruption Alta. Research Council ..	Declined 14(2)(b)(ii)
450-4	Mainly wants a divorce .....	No Jurisdiction 11(1)
450-5	No details whatsoever .....	Abandoned
450-6	Suggested restriction on hunters .....	Declined 14(1)(b)
450-7	Lawyer is avoiding interview .....	No Jurisdiction 11(1)
450-8	Letter from mental patient forwarded .....	Abandoned
450-9	Inquiry re powers of Ombudsman .....	Declined 14(2)(b)(iii)
450-10	Government stops progress .....	No Jurisdiction 11(1)
450-11	Unstated private matter .....	No Jurisdiction 11(1)
450-12	Complainant appears emotionally upset .....	Declined 14(1)(b)

## No Specific Complaint Made (Cont'd)

70-450-13	Vague accusations .....	No Jurisdiction 11(1)
450-14	Numerous allegations .....	No Jurisdiction 11(1)
450-15	Omnibus issues .....	Investigation

## Courts of Law

(49)

70-460-1	Convicted on perjured evidence .....	No Jurisdiction 11(1)
460-2	Not allowed to address court .....	No Jurisdiction 11(1)
460-3	Court decision .....	No Jurisdiction 11(1)
460-4	Excessive fine .....	No Jurisdiction 11(1)
460-5	Civil court action .....	No Jurisdiction 11(1)
460-6	Infringement of zoning by-law .....	No Jurisdiction 11(1)
460-7	Tried while intoxicated .....	No Jurisdiction 11(1)
460-8	Sentence in criminal court .....	No Jurisdiction 11(1)
460-9	Domestic trouble - husband and wife .....	No Jurisdiction 11(1)
460-10	Court costs in divorce proceedings .....	No Jurisdiction 11(1)
460-11	Postpone preliminary hearing .....	No Jurisdiction 11(1)
460-12	Impaired driving conviction .....	No Jurisdiction 11(1)
460-13	Civil court judgment .....	No Jurisdiction 11(1)
460-14	Court judgment in motor vehicle case .....	No Jurisdiction 11(1)
460-15	Criminal conviction .....	No Jurisdiction 11(1)
460-16	Monthly payments to husband's former wife .....	No Jurisdiction 11(1)
460-17	Judgment of a civil court .....	No Jurisdiction 11(1)
460-18	Presumption of perjured evidence .....	Not Justified
460-19	Charge in connection with N.S.F. cheque .....	No Jurisdiction 11(1)
460-20	Unjustly convicted impaired driving .....	No Jurisdiction 11(1)
460-21	Divorce action not completed .....	No Jurisdiction 11(1)
460-22	Bankruptcy fraud .....	No Jurisdiction 11(1)
460-23	Settlement of a will .....	No Jurisdiction 11(1)

70-460-25	Unjustly convicted re car accident	.....	No Jurisdiction	11(1)
460-26	Fraud and perjury in court action	.....	Declined	12(1)
460-27	Order of the Family Court	.....	No Jurisdiction	11(1)
460-28	Charged in court	.....	No Jurisdiction	11(1)
460-29	Failure to implement court order	.....	No Jurisdiction	11(1)
460-30	Order of court in divorce action	.....	No Jurisdiction	11(1)
460-31	Unfairly convicted on charge of drunken driving	.....	No Jurisdiction	11(1)
460-32	Proceedings in Juvenile Court	.....	No Jurisdiction	11(1)
460-33	Prisoner wants sentence reduced	.....	No Jurisdiction	11(1)
460-34	Sentence resulting from criminal conviction	....	No Jurisdiction	11(1)
460-35	Enforcement of court order	.....	Referred to Dept. concerned	
460-36	Wants to appeal case	.....	No Jurisdiction	11(1)
460-37	Bail refused	.....	Declined	12(1)(a)
460-38	Restrictions in property bail	.....	No Jurisdiction	11(1)
460-39	Traffic conviction	.....	No Jurisdiction	11(1)
460-40	Conviction for criminal offence	.....	No Jurisdiction	11(1)
460-41	Increase in maintenance allowance	.....	No Jurisdiction	11(1)
460-42	Procedure in Magistrate's Court	.....	No Jurisdiction	11(1)
460-43	Charge of arson against fire department	.....	No Jurisdiction	11(1)
460-44	Sentence in criminal court	.....	No Jurisdiction	11(1)
460-45	Conduct of court and police force	.....	Declined	14(1)(a)
460-46	Court order ineffective	.....	Investigation	
460-47	Miscarriage of justice	.....	No Jurisdiction	11(1)
460-48	Warrant of Committal altered	.....	Investigation	
460-49	Divorce proceedings	.....	No Jurisdiction	11(1)

Request For Assistance - No Complaint Involved

(23)

70-470-1	Birth certificate from Saskatchewan	.....	No Jurisdiction	11(1)
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# Request For Assistance - No Complaint Involved (Cont'd)

70-470-2	Benefit association folded .....	No Jurisdiction 11(1)
470-3	Cancel criminal record .....	No Jurisdiction 11(1)
470-4	Attempt to benefit from an estate .....	No Jurisdiction 11(1)
470-6	Benefits from an estate in U.S.A. ....	No Jurisdiction 11(1)
470-7	Anonymous - I Who Care - electronic noises .....	No Jurisdiction 11(1)
470-8	Investigation of brother's death .....	No Jurisdiction 11(1)
470-9	Employment with Government .....	No Jurisdiction 11(1)
470-10	Assistance requested for employment .....	Abandoned
470-11	Financial assistance from husband .....	Declined 14(1) (a)
		Referred to Dept. concerned
470-12	To locate document examiner .....	Information supplied
470-13	Conduct of legal advisor .....	No Jurisdiction 11(1)
470-14	Wants charges in B.C. heard in Alberta .....	No Jurisdiction 11(1)
470-15	Assistance in locating bankrupt .....	No Jurisdiction 11(1)
470-16	Mail to wife not received .....	Not Justified
470-17	Rerouting of highway .....	Declined 14(1) (b)
470-18	R.C.M.P. Constable discharged .....	Information supplied
470-19	Waive charges in Ontario .....	No Jurisdiction 11(1)
470-20	Inmate requests assistance in personal matter .....	Not Justified
470-21	Assistance with Legal Aid .....	Information supplied
470-22	Information re probating a will .....	Information supplied
470-23	Requests assistance for urgent personal problem ..	Assistance Rendered
470-24	Assistance re legal matter .....	Declined 12(1) (a)
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## Complaints re Universities

(3)

70-490-1	Proposed disciplinary regulations at University .	No Jurisdiction 11(1)
490-2	Dismissal from employment .....	No Jurisdiction 11(1)
490-3	Refused admittance to certain faculty .....	No Jurisdiction 11(1)

## Summaries of Various Cases

## WORKMEN'S COMPENSATION BOARD

67-300-13

The complainant in this case suffered an industrial accident in 1946, suffering an impairment of sense of smell and partial loss of vision of the right eye. As a result, he was awarded a pension by the Workmen's Compensation Board of \$14.30 per month.

In 1953, he suffered a further industrial accident, which required the removal of his left eye. As a result of medical opinions expressed to the Board at that time, it was considered that the remaining useful vision in his right eye was such, that he should be awarded the maximum pension for loss of vision. He was accordingly awarded an additional pension of \$138.36 per month, making a total of \$152.66 per month, and bringing his total award to one hundred percent, for complete loss of useful vision.

With the remaining vision in one eye, the complainant was able to obtain employment, and has been steadily employed ever since. It should be mentioned that the maximum pension granted to him took into consideration, the fact that he had some remaining vision, and indeed the complainant was not made aware of the actual percentage of pension which he had been granted.

In 1962, the complainant desired to purchase a larger home. It was necessary for him to obtain proof of financial stability in order to obtain a mortgage. He discussed this matter with a Solicitor for the Board at that time, and the complainant requested a letter indicating his financial situation. In due course, a letter dated May 23, 1962, was sent to the complainant on behalf of the Workmen's Compensation Board. This letter stated:

"Pursuant to your request, we hereby confirm in writing that you are in receipt of permanent partial disability pensions from the Board in the amounts of \$138.36 and \$14.30 per month for life."

The complainant presented that letter to the Trust Company, who was handling the mortgage, and the mortgage was granted. I satisfied myself during my investigation, that the mortgage would not have been granted without this assurance of financial stability, and it should be noted that the letter stated the pensions were permanent and were for life.

The Workmen's Compensation Board has made a point with me, that the letter was given in good faith at the time it was written, and I do not, in any way, dispute that statement. However, as will be seen later, the Board is fully authorized to have a pensioner reexamined at any time, and adjustments made in his pension, if his medical condition has changed. Such authority is provided for in The Workmen's Compensation Act.

In December 1961, the complainant wrote the Board advising that the glasses he had were doing him more harm than good, and he requested an examination by an eye specialist. The Board arranged for such an examination with the eye specialist, whose report to the Board indicated that the complainant now had a considerable degree of useful vision in his right eye, and recommended new glasses, which the Board supplied.

The Board's Medical Officer, who dealt with that report and authorized the provision of glasses, did not notice that the pensions were based on complete loss of useful vision in both eyes.

In 1963, that fact was noticed, apparently during a review of the file, and as a result, the Board required that the complainant be examined by two medical eye specialists and subsequently, by a Medical Board of three specialists. As a result of these examinations, his pensions were reduced from \$152.66 per month to \$39.15 per month.

The complainant felt the assessment was in error, and as a result of representations made in 1964, he was again examined by a Medical Board of three medical eye specialists. As a result of this examination, his pensions were increased from \$39.15 to \$78.41, and the increase was made retroactive

to the date his pensions had been reduced. Thus his overall pension had been reduced from \$152.66 per month to \$78.41 per month, despite the letter which he had received assuring him that the original pensions were both permanent and for life.

As a result of amendments to the Act in 1969, the complainant's pensions were brought to a total of \$90.51 per month from May 1 of that year.

The complainant brought his problem to the attention of the Ombudsman, protesting the overall reduction of approximately fifty percent in his pensions, in view of the assurance which he had received in the letter referred to. I discussed the matter at a meeting with the Board and early in the discussion, I agreed with the Board, that it should not be required to pay the complainant for life the full amount of the initially awarded pension, simply because of the assurances given to him in writing by an official of the Board. It was my view, that the Board should not be penalized to the extent of having to pay a lifetime pension, which was not supported by later medical assessments.

However, it was my view, that the letter which was provided to the complainant, assuring him of the amount of permanent pensions for life, constituted an administrative error, and that any reasonable person would have cause to believe that the letter meant exactly what it said. In fact, the Trust Company accepted it exactly on that basis and granted the mortgage as a result. It was my view, that the situation would have been different had the letter pointed out that the pensions were always subject to further review and change as provided for in the Act.

It was on the point of an administrative error in the writing of this letter, that the Board and I could not agree.

The complainant found himself in considerable financial difficulty and was required to obtain a number of loans through the years. He attributed his financial problems to the very severe cut in his pension, upon which he had relied as a lifetime income. During this period, he also lost his

wife, and there seems no doubt that his financial problems caused him great concern during this trying period.

Eventually, he sold his house in 1969, and was therefore relieved of his major financial difficulties.

Here again, the Board and I could not agree on indemnification for the financial loss suffered by the complainant.

It was the Board's view that it should be presented with an exact figure of his losses, and that they should be regarded as damages, usually determined by the Courts. I did not agree in this particular case, and felt my jurisdiction to be well established.

It was my own view that there were other factors involved, which should be considered in any indemnification, such as the mental anxiety which the complainant had suffered, as the result of having to compensate for the completely unexpected severe reduction in his pensions, in the face of the letter of assurance which he had received. It was my recommendation that, while, as previously mentioned, the Board should not be obligated to pay a pension for life, the Board should however, give him the balance of the full pension that he would have received, if his pension had not been reduced, and that this should be paid to the end of the month before that month in which he sold his home in 1969.

We were not able to come to an agreement, and I therefore felt that I must submit my opinions and recommendations to the Lieutenant-Governor in Council.

There was no authority for me to recommend that the Board pay any such monies, and I could only recommend therefore, that they be paid by the Government. My inquiries indicated that there was no authority for the Lieutenant-Governor in Council to require the Workmen's Compensation Board to make such payment. I therefore advised the Lieutenant-Governor in Council of this particular difficulty sometime ahead of my submission, and indicated that I might be coming forward with such a submission. In due course, the Honourable the Premier,



confirmed my views, that the Lieutenant-Governor in Council did not have any authority to require the Workmen's Compensation Board to make such payment, and that the only method of control of the Board was by address to the Legislature.

In due course, I reported my opinions and recommendations to the Lieutenant-Governor in Council and to the Board, and under the circumstances, could only recommend that the complainant be indemnified from Government funds.

Subsequently, the Government introduced an amendment to The Workmen's Compensation Act, which would enable the Lieutenant-Governor in Council, after consideration of a report and recommendations from the Ombudsman, to direct that the Workmen's Compensation Board either pay to, or on behalf of the workman, from the Accident Fund, such amount as the Lieutenant-Governor in Council considers appropriate, or to direct that the matter be referred to the Supreme Court for assessment of damages. That amendment was passed by the Legislature at its last Session.

Consequently, by Order-in-Council on June 16, 1970, the Workmen's Compensation Board was directed to pay from the Accident Fund, the sum of \$4,570 to the complainant. Payment was duly made, and the complainant expressed to me his appreciation for the results of the investigation carried out by the Ombudsman's Office.

DEPARTMENT OF AGRICULTURE

68-100-4

This complaint was submitted to me in September of 1968, and was directed against the Water Resources Division of the Department of Agriculture. It related to circumstances connected with a certain water diversion project, constructed by a local government in 1963. No application for a water diversion license had been made to the Department, as required by legislation. The project was completed without the required license.

My investigations were directed solely against the Department of Agriculture, as I had no jurisdiction to investigate the actions of the local government.

It soon became evident that the complainant and the local government responsible for the water diversion project could not mutually agree regarding the need for such a project at the location in question; the solutions for the erosion problem existing near the location of the works, and the extent of suitable compensation.

The application for the water diversion license had subsequently been made, but the complainant had objected to the Department about issuing such a license, while at the same time, criticizing the Department for allowing the works to remain, without being legally sanctioned. The Department was satisfied that it should not issue such a license, pursuant to The Water Resources Act, until the necessary right-of-way had been obtained, which it felt required, among other things, an agreement between the local government, requiring the license and the complainant.

Considerable investigation and research was necessary by my office, in order to sort out the many interrelated issues. I noted that some aspects of the confrontation resulted in Court action, and additionally, a reference to the Public Utilities Board.

I was satisfied that the Department had endeavored to carry out the existing legislation regarding the issuance of such licenses, and that it did attempt to assist the parties

concerned to resolve the misunderstanding. I was advised, during the course of my investigation, that the Department proposes to recommend legislative amendments to strengthen its licensing procedure.

As a result of my investigation, I concluded that I would not support such a complaint, as it related to a matter of administration, against the Department. I was satisfied that this complaint would probably not have arisen in the first place, had it not been for the differences that arose between the local government in question and the complainant. Nevertheless, I was very pleased that the Department indicated its intentions of recommending legislative amendments, which would be designed to eliminate some of the licensing difficulties that arose in this case.

I understand that the complainant initially contacted the Department to assist in the finding of a permanent solution of an erosion problem, that he felt was either caused or intensified by the specific water diversion project. I was further advised, during the course of my investigation, that the Provincial Government entered into a cost-sharing agreement with the local government, in an effort to solve this erosion problem. I was further advised that the total estimated cost for such a project was in the sum of \$80,000, and that the Provincial Government agreed to pay seventy-five per cent of that estimated cost, and all of the costs that would be incurred over and above the estimated cost.

I am advised that the construction program in question was successfully completed this fall.

## DEPARTMENT OF HIGHWAYS AND TRANSPORT

68-140-18

This complaint took over two years of investigation and negotiation, before a settlement could be reached. It included extensive reading of old Departmental files, aerial photos taken of the area in question at different times, as well as survey maps extending back a good many years. Long time residents of the district had to be located and interviewed.

The complainant is a farmer, who inherited his farm from his father. The farm was formerly on a Local Improvement District road, which reached a ferry crossing on the North Saskatchewan River, a short distance north of the farm.

The Department of Highways constructed a new Highway in 1951, and in so doing, replaced the culverts on the old road near the complainant's property. The original culvert had been a two-foot square, wooden culvert. The new culverts were two 60 inch C.I.P. culverts, and these were later replaced by one 84 inch S.P.C.M. culvert.

The new culverts were installed approximately 100 yards further south than the original culvert, and at a level of about 30 to 40 feet higher. The complainant alleged that the installation of the larger culverts, and the increase in the height of fall of the water, had resulted in "pounding" and erosion of part of his land into a deep gully.

It was his contention that before the installation of the new culverts, the Spring overflow had "ponded" in a depression on the far side of the old road, and had gradually flowed through the small wooden culvert, into the natural creek bed across his property. The result had been some temporary flooding of his land in the Spring, but there had been no erosion. The old road had, acted as a dam, he said, and any unusual rise in the pond on the side of the road opposite his farm, had flowed north along the road ditch and reached the North Saskatchewan River.

He claimed that since the new culverts were installed in the new Highway, his land now received the full force of all the Spring run-off, through the much larger culverts, with the additional force provided by the head of from 30 to 40 feet,

due to the new location in which the new culverts were placed. He stated that the erosion in the old creek bed on his property was so deep as to prevent his access to the Highway.

Photographs taken by an Investigator from my office certainly showed much deeper erosion in recent years, and other witnesses stated that this had all occurred since the installation of the new Highway.

The Department took the view that the increased flow was due to a heavier run-off in the Spring, caused by clearing of land along the natural flow of the water, over the years, and felt that this flow had only sought the original watercourse across the complainant's land. The Department felt that it had no responsibility, for these and other reasons.

The Department had given considerable attention to the complainant's earlier complaints, and indeed had asked the Water Resources Branch of the Department of Agriculture to make an investigation. The results supported the views of the Department of Highways. However, the investigation carried out by my office ascertained that the Water Resources Branch investigation had been made, with the mistaken view that the original wooden culvert and the subsequent, much larger culverts, had been in the same place.

Of course they had not. The new culverts, as mentioned were about a hundred yards further south and from 30 to 40 feet higher on the road. This report therefore, was not taken into consideration in my investigations.

However, it came to light that the District Engineer for the Department had built a mudsill bridge for the complainant across the eroded creek bed to give him access to the Highway. This action had taken place in 1957, following complaints from the farmer. A subsequent District Engineer had also repaired the bridge, but it was in very bad condition when the complaint was made to me in 1968.

I could not escape the opinion, that although the Department disclaimed responsibility for the erosion, nevertheless, representatives of the Department had apparently accepted some responsibility, and had built a bridge for the complainant.



Also, as a layman, the "ponding" aspect of the original situation, seemed reasonable, as a means by which the water was allowed to cross the complainant's farm without sufficient force to cause the heavy erosion which was now evident. Admittedly, my opinion was not shared by professionally qualified Engineers of the Department, whose opinion I respect.

On the other hand, the Department had taken some remedial action, by building and repairing a bridge on the complainant's land some years before.

I therefore sought, and had, a most useful discussion with the Deputy Minister. We did not clear the aspect of responsibility, but he was most helpful in arranging for an on-the-spot inspection of the situation, by his Chief Engineer and the investigating member of my staff. This was carried out.

Following the inspection the matter was referred to the Minister. As a result, a compromise was offered to the complainant. While not making an admission of liability, the Department offered to build a timber bridge across the stream, and excavate a ditch through the eroded area. In return, the complainant was to forever release the Department of any and all claims whatsoever.

This offer was most acceptable to the complainant. The bridge has been constructed. The ditching has been completed. The complainant has signed a release, and has written his thanks to my office. The complaint has been rectified.

68-340-1

I referred to this case in the main body of my report for 1969. It was subsequently the subject of my Special Report No.1 to the Legislature, upon receipt of the Reasons for Judgment of the Honourable, the Chief Justice, J.V.H. Milvain, in the matter of the challenge to the Ombudsman's jurisdiction to investigate decisions of the Provincial Planning Board.

The then Minister of Municipal Affairs challenged the Ombudsman's jurisdiction, and was represented before Chief Justice Milvain by the Attorney General's Department. As you are aware, the Honourable Chief Justice found that the Ombudsman had jurisdiction. That aspect of the case dealt with my jurisdiction to inquire into the merits of decisions arrived at by the Planning Board.

However, as reported in my 1969 Annual Report, the Honourable, the Minister of Municipal Affairs, had earlier agreed with my view, that entirely separate from the first issue, errors had been committed in administrative proceedings, an area where the Ombudsman's jurisdiction to investigate was unquestioned.

The case had to do with a decision of the Planning Board to approve the construction of two apartment buildings, which would overlap into property in the City of Edmonton which was zoned for single residential purposes.

The City of Edmonton had at various levels up to, and including the City Council, turned down the developer's application.

Before the issue had been decided by the Planning Board, the Legislature had amended The Planning Act. The amendment made the verdict of the City Council final in similar cases. As is usual, the continuation section in the Act provided that cases which were already being processed, when the amendment came into effect would still be dealt with under the former provisions of the Planning Act.

It was my opinion that, as the Planning Board was now aware of the desire of the Legislature to have the final decision in

such cases raised with the City Council, and despite the fact that the Board had authority to make the decision it did, it might better have rejected the appeal of the developer in line with the newly approved legislation.

Had the Planning Board dismissed the appeal, the developer would have been free in six months to again apply through the normal channels of the Municipal Government of Edmonton for a building permit, and the matter could then have been reconsidered for the decision of City Council would have been final. However, by approving the appeal of the developer, the decision was final because there was no way for the local residents of the area, who opposed the building of the apartment, to present any further application or to take an appeal anywhere else.

The challenge to my jurisdiction arose from my submission of such an opinion.

There was, of course, no necessity for me to pursue my opinion any further, in view of the acceptance by the Minister that administrative errors had occurred, separately from the subject of the merits of the case alone.

Following a most helpful discussion with the then Minister of Municipal Affairs, the arrangement was made to have two independent Appraisers inspect the complainant's home and property in relation to the two apartment buildings, which by now were almost completed. The Appraisers were to report their opinions on any loss of value to the complainant's property. The complainant was authorized to select one of the Appraisers herself and the other was selected by the Department.

Both Appraisers reported a loss in value of the complainant's property. The difference between the estimates of the loss was approximately \$200.

As a result of a recommendation made by the Minister to the Executive Council, the larger amount was paid to the complainant, and the Government assumed the fees of both Appraisers.

This was a very fair settlement, and the complainant has expressed her satisfaction.

DEPARTMENT OF AGRICULTURE

9-100-2

This complaint, received in March of 1969, was directed against the Alberta Farm Purchase Board. It related to the sale of land from the complainant to the Board on June 21, 1966.

The complainant advised me that she did not wish her oil rights to be sold to the Board.

An examination of the transfer document completed by the complainant left no doubt that the oil rights were sold to the Board along with the surface rights. The only reservation appearing on the transfer related to coal rights. At about the same time the Board received title to this land from the complainant, the complete interest in land acquired was subsequently sold.

It is to be noted in this regard, that the main function of the Board is to implement the Government's policy regarding low-cost, long-term credit for the purchase of farm lands. The Farm Purchase Credit Act, 1963, officially established the Board, and at the same time, changed the former numerous Farm Purchase Boards in Alberta into local Advisory Farm Purchase Committees. There would seem to be no doubt, that from 1963 there was one Board that administered this particular program of the Government.

The Board communicated with the purchaser after being advised of this misunderstanding. The purchaser took the position that he would not be in favour of voluntarily giving up these oil rights, that he had acquired in this transaction. Under these circumstances, the Board was certainly not in a position to give to the complainant something that it did not have, for the entire interest in land had been sold, according to the agreements, to the purchaser that had concluded the initial negotiations with the complainant.

I was satisfied as a result of my investigations, that there was no written record on the Board's file indicating the complainant's intention to retain her oil rights, at least prior to the signing of the contracts in question. My office

also contacted the Officials of the Board, who took part in the completion of the interim and final agreements. As a result of those inquiries, I was satisfied that these Officials were not orally advised of the complainant's intention to retain those oil rights.

I ascertained that in such contract negotiations with the Board, it is not uncommon for the title to the land to be split so that a new title would be issued by the Land Titles Office, specifically covering the interest in the oil rights as distinct from the surface rights. That, of course, usually takes place when the oil rights have some significant value.

I gave some consideration as to whether or not I should decline to proceed with this investigation, in view of Section 12(1)(a) of The Ombudsman Act. Certainly no Court action was commenced by the complainant. Additionally, the complainant was not represented by counsel, at least during the time of my investigation.

This jurisdictional problem was brought to the attention of the Board by my office. I gather that one of the main reasons that Court action was not commenced by the complainant, was because the oil rights had a doubtful value, if indeed any value at all. I made it clear to the complainant that I was not in a position to offer any advice as to the legal position and recommended that a lawyer in private practice be retained in this regard. After considerable thought on this jurisdictional question, I decided to proceed with this investigation. If the mineral rights had any significant value, I would have been very hesitant indeed to proceed further with this investigation.

In addition to all of the submissions made to this office by, or on behalf of, the complainant, the complainant and her agent also met with two members of my staff. The meeting was most useful, as it helped to resolve some of the minor questions of fact that arose during the course of the investigation. At the conclusion of that particular meeting, both the complainant and her agent expressed their personal responsibility for the unfortunate developments.



As a result of my investigation, I was satisfied that the complaint against the Board was not justified. I was satisfied that the onus was on the complainant to ensure that she sold to the Board only that interest in land that she intended to sell.

Nevertheless, I made certain representations to the Board in the hope that such a situation would not occur in the future.

I discovered in the course of my investigation, that the forms authorized by the Board and used by the Local Advisory Committees, do not make any reference to the oil rights that may be owned by the vendor in addition to the surface rights. I further understood that the valuation report in question did not specifically refer to the value of the mineral rights.

I was subsequently advised that the Board's document entitled the "Vendor's Offer to Sell" was being amended by adding a reference on it regarding the "disposition of mineral rights." Additionally, the Board's present supply of the existing forms were immediately amended before sending to the Local Advisory Committee.

Another matter that caused me some concern in this investigation was the fact, that the Board was not obtaining legal advice in connection with the signing of the individual agreements. I was advised that in 1966, the Director of the Economics Division of the Department, of which the Board was considered a specific branch, made representations that the clerical staff and other Officials of the Board should not be required to assume responsibility for affairs of a legal nature, in which they are not qualified. I understood that this issue was initially raised by the Chairman of the Board itself.

Unfortunately, nothing further was done to resolve that particular issue for some years.

I was advised during my investigation, that representatives from the Department met with the Attorney General's Department, and as a result of that meeting, it was resolved

that the Board would avail itself of Attorney General Solicitors throughout the Province, and where not available, would arrange to retain solicitors in private practice to handle the legal matters relating to the Board's operation.

The Chairman of the Board has indicated that some planning is necessary before this latter recommendation will be implemented. However, he has made it clear that all future loans approved by the Board will be turned over to solicitors for documentation.

As a result of the Board's cooperation with my office, certain seeming improvements were made in the administrative process, even though the complaint itself against the Board was not justified.

DEPARTMENT OF THE ATTORNEY GENERAL

69-110-21

In June of 1969 the complainant, who at that time was serving a sentence of several years in a Federal Penitentiary, reported that he had been arrested in May of 1967, at which time a sum of money, clothes, and a kit of "plumber's hand tools"(?) were seized by the Police. In some manner he temporarily regained his liberty, but was re-arrested in June of 1967, and stated that at that time he had more clothing, a suitcase and a pair of shoes seized by the Police. These items were apparently intended to be used as evidence.

His final court appearance, according to his own story, was in September of 1968, by which time he had accumulated a sentence of five years in the Penitentiary. His complaint was that he had on several occasions written to the Supreme Court of Alberta, asking for return of his property. He also claimed to have written to the Clerk of the Court. He advised me that none of these items nor the money had been returned to him, and apparently no Judge's Order had been issued regarding the disposal of the exhibits.

I placed his complaint before the Department of the Attorney General in July of 1969. In March 1970, I was advised by the Department of the Attorney General that, subject to a Judge's Order, for which an application was then pending, the items referred to by the complainant could be returned to him.

It was further revealed that the sum of \$135.01, which had been seized from him, was the subject of a claim by the victim of his crime, which was robbery, and for which the accused was convicted. The victim of the robbery was reimbursed for the money which he had lost in the sum of \$109.60.

A Judge's Order was obtained and the balance of the money, which was the property of the complainant; namely, \$25.41, his "plumber's tools", his suitcase and certain other articles of his, were returned to him in the care of the Warden at the Penitentiary where he is serving his sentence.

Seemingly, a Judge's Order for the disposition of exhibits was not requested of the Judge immediately following the com-

69-110-21 (Continued)

plainant's trial. The situation remained unresolved until the complainant wrote to the Ombudsman from the Penitentiary in June 1969.

DEPARTMENT OF HEALTH

69-130-21

The complainant in this case is a Professional man, resident in this Province for some years where he lives with his wife and family.

For reasons which have nothing to do with this complaint, he found it necessary to terminate his professional services in the Province, at least on a temporary basis.

Accordingly, he signed a one-year contract to carry out similar services in the Province of Ontario. The contract provided for one month's leave.

He departed for Ontario but retained his home in Alberta where his wife and family resided during his absence.

During the year that he was away he suffered an accident and as a result incurred considerable Hospital expenses in an Ontario Medical Hospital.

He made claim for these medical services under the Alberta Health Plan Act. His application was declined on the grounds that he was no longer a resident of the Province.

Section 2 (m) of the Regulations of the Alberta Health Plan Act as it then existed reads as follows:

- (m) "temporarily absent from Alberta means absent from Alberta with the intention of returning to Alberta
  - (i) for the purpose of a vacation, visit or business engagement, but not for a period in excess of 12 consecutive months, or....

It was the Department's view that the complainant, having accepted employment in another Province, no longer came within the provisions of the Alberta Health Plan Act.

The Hospital took civil action against the complainant and recovered funds expended for hospitalization from him.

I undertook an investigation of his complaint in which, I



may say, I had the utmost cooperation from the Department of Health and particularly from the Deputy Minister at that time.

As a result of our joint efforts, certain significant information came to light. It was learned that during his employment in Ontario, the complainant had declined to enter into the Ontario Hospital Plan on the grounds that he was already covered. As he was only covered by the Alberta Plan, it was my view that this procedure indicated an intention of returning to the Province of Alberta.

His contract was for twelve months only and provided for one month's leave. I could find no indication that he had indicated any intention of renewing the contract at the end of the twelve months, and in any event, he returned to Alberta before the twelve months had elapsed, having terminated his employment due to ill health in Ontario, and has resided in the Province ever since. There was also the fact that his wife and family had remained in the Province, that he had made no effort to dispose of his home or take any steps indicating a permanent departure.

I had a very useful discussion of all aspects of this case with Mr. J. D. Campbell, Deputy Minister of Hospital Services at that time. I confirmed the subjects of our discussion by letter and I was, in due course, advised by Mr. Campbell that the complainant's claim for benefits had been approved. There was some slight difficulty in getting a correct statement of Hospital charges, but it was anticipated the matter would be finalized within a few days.

However, the complainant in the meantime became somewhat impatient prior to my having received notice that his claim had been approved, and stated that he intended to take the matter to Court.

Very shortly afterwards, I received the news of the success of his claim from the Deputy Minister which I passed to the complainant, and I suggested to the Deputy Minister that he might deal directly with the complainant in concluding the matter.

I have shown this complaint as rectified, and would like to emphasize the readiness of the Department to reconsider the decision taken.

## DEPARTMENT OF HEALTH

69-130-40

The complainant and her late husband were married in 1952. They subsequently made application for the adoption of an infant child born in 1962. A child was placed in their home for the usual probationary period of one year before adoption can become final. After the expiration of the probationary period of one year, the complainant and her husband jointly signed the petition in the District Court for the adoption of the child.

However, before the matter could come before a judge, the complainant's husband died. Apparently the Department of Public Welfare, having the responsibility for this child, required a new petition to be signed by the complainant alone.

The result is that under Section 83 of the Child Welfare Act and also under Section 10 of the Vital Statistics Act the new birth registration shows only the complainant as the parent of the child, a situation which, in the mind of the complainant, leaves an unhappy inference.

The complainant sought legal advice and her solicitors, finding that the desired result of having both adoptive parents on the certificate was not possible, made a submission to the Minister of Public Welfare. The suggestion was made that legislation be introduced which would enable a single parent, such as the complainant, to include her deceased husband as a parent of the adopted child. This action was taken in 1964.

The then Minister advised the solicitors that he would place the matter before the Government with a view to having amendments presented to the Legislature.

Finally, in 1966 the revised Child Welfare Act was passed including Section 57 (3). This Section reads as follows:

- "Upon the request of an adopting parent, where
- (a) the adopting parent is a widow or widower, and
  - (b) preceding the death of the spouse of the adopting parent, the child being adopted was in the custody of the adopting parent and the now deceased spouse, a judge may, in the order of adoption name both the

surviving spouse and the deceased spouse as the adopting parents of the child."

This Section would appear to be completely applicable to this case. Her solicitors, therefore, requested the appropriate Officer of the Department of Child Welfare to make application to a Judge to have the change effected.

In January of 1967, the complainant's solicitors were advised that the Judge who had considered the matter had advised that he was unable to amend the Adoption Order for this particular child.

Apparently the decision was based on the fact that the Section of the amended Child Welfare Act was not retroactive and could not be made to apply to her case.

Finally, later in 1967 the complainant's solicitors were advised that the retroactive feature bearing on the Section of the Act had been considered by the Legislative Counsel and it had been decided that it would be difficult to include such a provision in legislation.

Having obtained the decision of the Court, I decided that the complaint to me was not justified on two grounds. In the first place, it was not a complaint against an administrative act but a complaint against legislation, and secondly the Courts had decided that the amendment could not be made applicable.

I therefore wrote to the appropriate Minister outlining my investigation and the events that had transpired through the years in this case. I advised him that I was taking no further steps in the investigation and the case was concluded as not justified.

## DEPARTMENT OF HIGHWAYS AND TRANSPORT

69-140-18

The complaint in this case was rather an appeal for assistance than an actual complaint. The wife of the complainant was very seriously hurt in a single motor vehicle accident in 1964, leaving her a quadraplegic. After approximately a year in hospital, she was returned to her home. This is a rented home, which is occupied by the complainant, his wife, two daughters, whose ages were seventeen and eleven, and an essential housekeeper.

The complainant's wife was entitled to certain benefits under the Motor Vehicle Accident Claims Fund, covering medical, hospital or ambulance expenses, and for the cost of appliances or treatments or other measures towards rehabilitation.

The family lived in a rural area, and the husband, the complainant, followed a vocation which kept him away from home for considerable periods and at irregular intervals.

Under the provisions of The Motor Vehicle Accident Claims Act, the complainant's wife qualifies for hospitalization either in a hospital or in a nursing home, and the Fund would be prepared to expend necessary payments for such maintenance to the amount of \$30,000.

The Fund had already provided this lady with certain orthopaedic assistance such as a wheelchair and other essential equipment. Contributions were also made for transportation to Edmonton for medical examination when required.

Due to residence in a rural area, no local nursing service was available, such as the Victorian Order of Nurses, and a housekeeper who would perform a number of functions of a Nursing Aide was essential. The family could not possibly afford the attendance of a full time Registered Nurse who, of course, would not do housework, and conversely, it was difficult to obtain a housekeeper who would be prepared to assume certain nursing care functions. A housekeeper was employed in that capacity at the time, but the financial strain on the family was a difficult one.



Unfortunately, in this particular case, the Act and the Regulations do not cover home care such as housekeeping, and allows only for nursing home or hospitalization costs.

If the patient had entered a nursing home or a hospital, it meant that the father would have been left alone at home with two young daughters at a time in their lives when both of them required a mother's care, advice and presence.

The complainant had brought his plight to the attention of the Department of Highways and Transport, and to his M.L.A., but the fact remained that the cost of the housekeeper, which was the main financial burden upon this family, was not covered.

The investigation by this office included discussions with the Paraplegic Association, which had considerable background knowledge of this case; a visit to the home was also made by an Investigator from my staff.

The interview with the complainant's wife was a lesson in courage and the will to make a good life under the severest handicaps. This lady, despite her disabilities, plans the meals for the family, prepares the grocery lists, directs the housework, and looks after the family budget.

Her being in the home allows her to act as confidant, counsellor and a mother in most respects, to the two daughters who are attending school. The family is obviously devoted to her, and there can be no question that if at all possible, this mother's place is in the home with her children.

An electric typewriter was provided for her from the Motor Vehicle Accident Claims Fund on the advice of her therapist. She has some movement in her arms, and with the aid of a splint attached to her arms, she is able to type on this electric typewriter. Additionally, there can be no question that her continuing presence in the home has been of immense rehabilitative value to her.

The reports which I received satisfied me that hospitalization in a nursing home, as can be authorized by the Fund,

would almost certainly result in a gradual breaking down of the spirit of this admirable woman, by taking away from her the knowledge and confidence of her usefulness to her family, despite her disabilities.

It was also equally apparent that this situation could not continue without a housekeeper who was prepared to undertake certain functions of a Nursing Aide as well.

It was this situation which I brought to the attention of the Administrator of the Motor Vehicle Accident Claims Fund. He was, of course, aware of previous representations made. He was most sympathetic to this problem, and this inquiry developed into a combined effort by the Department of Highways and Transport and the Ombudsman to find a humanitarian solution.

It was ascertained that the Federal Department of National Revenue had agreed that the housekeeper's wages could be accepted as a deductible medical expense within the meaning of The Income Tax Act. This decision had been made on the individual merit of this particular case, as is frequently done.

Additionally, note was taken of Section 25(2) of The Motor Vehicle Accident Claims Act, which authorizes the Minister to expend monies from the Fund for the cost of the administration of the Act, and for any other purpose that the Lieutenant Governor in Council in his discretion determines.

I laid before the Deputy Minister of the Department of Highways and Transport the proposal that, as the duty of the housekeeper involved an appreciable amount of nursing attention, that the views of the Federal Department of National Revenue and the discretion of the Lieutenant Governor in Council might all be taken into consideration in viewing this case.

I was in due course advised by the Honourable Gordon Taylor, the Minister of Highways and Transport, that he had personally completed a review of the file and that the Premier

and the Cabinet had accepted his recommendation, resulting in the approval of an Order-in-Council authorizing the payment of home nursing care to the complainant's wife out of the Motor Vehicle Accident Claims Fund, as provided for in the section mentioned above.

It was particularly gratifying to observe that the Order-in-Council allowed for a retroactive per diem payment back to September 1, 1965, and at the same time, set a per diem rate thereafter, "...or such other rate as may be authorized from time to time...."

The Honourable Gordon Taylor personally advised the family of the decision, as well as myself.

The complainant and his wife expressed their thanks to this office and to the Minister in a letter to the Ombudsman, and I may say, there is no case this year in which the staff of the Ombudsman's Office has derived greater satisfaction than from the happy outcome of this one.

DEPARTMENT OF HIGHWAYS AND TRANSPORT

69-140-30

The complainant in this case was injured in an automobile accident in 1957. Her husband was driving the car. The driver of the other car was killed. The complainant suffered serious, permanent injuries.

As the driver of the other car was not insured, the complainant made claim from the Motor Vehicle Accident Claims Fund, better known, incorrectly, as the Unsatisfied Judgment Fund. The claim was accepted, and medical costs arising from the injuries received have been borne from the Fund, until just before the complaint.

The complainant seemingly was not aware that from April 1, 1947 to June 30, 1958, there was a ceiling on the Fund of \$5,000.00. The complainant learned of this limit, according to her story, only when a claim was declined, in part, by the Department on the grounds that claims by the complainant had now passed the maximum allowed. Since that time, the limit has been raised several times, until in 1963, the limits were increased to \$35,000.00, inclusive of both personal injury and property damage. Such changes, however, were not retroactive.

The investigation revealed that there was no policy that persons, to whom the Fund applied, be advised of the ceiling, above which payment could not be made. The Administrator immediately indicated his intention of implementing such a policy in all future claims.

I had inquiries made of the complainant's husband, to ascertain if, by chance, the complainant might have been covered at the time of the accident by any Medical Plan, which might enable the complainant to obtain some further assistance. These inquiries brought to light, the fact that the complainant's husband at the time of the accident had been a Federal Government Employee and had been fully covered by the Federal Government Group Service Insurance Plan. As a participant in this Plan, I was aware of its benefits, and I asked for full details from the complainant, such as Registration Number, Department in which the husband was employed, and places of employment.

All this information was passed to the Administrator of the Motor Vehicle Accident Claims Fund, who immediately commenced inquiries through the Federal Department where the husband was employed, and eventually from the Insurance Company which operated the Federal Plan.

Itemized accounts for medical services were obtained by the Administrator, and forwarded to the Claims Branch of the Insurance Company. The Company accepted the claims as having been covered by the Policy. The result was that the Insurer settled the account, which had exceeded the limit of the Motor Vehicle Accident Claims Fund. Additionally, the Insurer paid to the Provincial Treasurer the sum of \$1,752.65, for other medical expenses which had been paid by the Department of Highways, although properly a claim against the Federal Insurance Plan. That sum is, of course, credited to the Motor Vehicle Accident Claims Fund on behalf of the complainant, for her future use if the need arises.

This was a most satisfactory outcome of this investigation. As soon as the existence of the Federal Insurance in the name of the complainant's husband was known, the Administrator of the Motor Vehicle Accident Claims Fund took over the negotiations with the Federal Government and the Insurance Company. His experience in the field of accident insurance was invaluable.

I wrote the Minister of Highways and Transport expressing my appreciation for the valuable and willing co-operation my Office had had from the Administrator.



## DEPARTMENT OF MUNICIPAL AFFAIRS

69-190-12

The complainant resides in a small settlement in an Improvement District, and is a farmer.

In 1968 he appealed a Tax Assessment on his buildings, which he claimed had been assessed as residential rather than farm buildings. He lost his appeal before the Alberta Assessment Appeal Board. He complained to the Ombudsman in 1969.

Inquiries to the Assessment Commissioner revealed that an Amendment, made to the Municipal Taxation Act in 1969, was to be used in assessing taxes in the complainant's community in 1970. The result would be a reduction in taxes, not only for the complainant, but for others in a similar situation in the community.

Additionally, in February 1970, the Minister of Municipal Affairs issued an Order, cancelling the tax levies on improvements affected by the Amendment to the Municipal Taxation Act, for the years 1968 to 1969. A similar abatement had been granted previously for 1967.

As a result, the complainant found himself with a welcome tax credit, and apparently a number of his neighbours benefited similarly.

He expressed his thanks by letter, and was completely satisfied with the action taken by the Department.

DEPARTMENT OF SOCIAL DEVELOPMENT

69-210-35

The complainant was a young, single, expectant mother. She alleged that she had applied for welfare assistance for the period during which she would be unemployed. She alleged that the Department demanded to know the name of the putative father, and that when she refused to give the name, the Department would not help her.

Additionally, she had no source of income until she could return to work and was at that time behind in her rent.

The complaint was brought to the attention of the Deputy Minister of the Department of Social Development. A report, subsequently received from that Department, indicated that Social Workers in the Department had had two separate contacts with the complainant prior to my office forwarding the complaint to the Deputy Minister. The reports of those contacts were made available to me.

The first contact was when the complainant approached the Department locally, for assistance. The Social Worker, quite understandably, endeavored to obtain the name of the putative father. This is a normal process and, had the name been given, undoubtedly an effort would have been made to have the putative father accept his responsibilities, at least financially. It is stated that the responsibility of the putative father was explained to the complainant, particularly as she intended to keep the child. There was obviously a misunderstanding, to say the least, with the result that, according to the report, the complainant walked out of the office, emphasizing the fact that she did not wish to involve the father of the expected child. I think it must be presumed that this young lady was in an understandably emotional turmoil at this particular time.

She subsequently entered hospital, where contact number two was made by another Social Worker. She advised the other Social Worker that she had been refused aid by the Department of Social Development. The Social Worker reports that that statement was clarified as being misconstrued. It should be mentioned that, regardless of whether or not she disclosed the

name of the father, she was entitled to assistance. I am satisfied that there was not a flat refusal, but I think it possible that a determined effort was made to obtain the name of the putative father.

Following the second interview, the complainant made application for social allowance, and was issued a voucher for board and room for herself and her child.

Subsequently, an Investigator from my office interviewed the complainant personally, at which time the baby was approximately one month old.

It was obvious from the interview that, whatever the reason may have been, the complainant was unhappy about her interview with the first Social Worker. Possibly there was a clash of personalities, at a time when the complainant was particularly sensitive about providing any more details than she had to.

At the time of the interview, she was receiving welfare and was living with relatives. Her medical bills had been provided for and she was happy with the arrangements. She had no further complaints, and I would like to make it clear that the problem was rectified by the Department without any recommendation having been made by my office. I had a further letter from her and she seemed particularly pleased that an Investigator from this office had in fact travelled to see her, and to ensure that she was being looked after.

The complaint was therefore shown as Rectified.

DEPARTMENT OF SOCIAL DEVELOPMENT

69-210-36

The complainant and his wife are foster parents to several children, who have been placed with them by the Child Welfare Branch. They have been very successful foster parents. The children whom they are rearing as foster children, came to them from the most pitiful and degrading circumstances. The complainant and his wife, through care, love, and affection have restored these children to a happy childhood.

The complainant and his wife are not wealthy. They have suffered reverses of their own in the past, which, no doubt, counts for their thoughtfulness and concern for those children who have been placed in their care.

They were approached by an Officer of the Child Welfare Branch, seeking a home for an additional child. The complainant and his wife had for some time been considering the possibility of adopting a child and when this approach was made with a new child, some confusion arose as to its exact status. The complainants had apparently stated that they wanted this additional child for adoption eventually as their own child, but the Child Welfare Branch had recorded the child as being placed with the complainants purely as a foster child, available for adoption elsewhere when a suitable home could be found.

In any event, the complainant and his wife took the child into their home, firmly believing the child was there for eventual adoption when the probationary period had expired.

In the meantime, the Child Welfare Branch had located an extremely suitable family elsewhere in the Province, who were matched up as likely parents for this particular child. Eventually, the decision was made to place the child in the new home for adoption, and the complainant and his wife were notified.

Their grief and concern are understandable, for they had become very attached to the child. However, the Department's position was explained to them carefully and kindly, and it was made clear to them that a family had been selected and that the parents were expecting the child to be delivered to

them. I think it is a measure of the character of the complainant and his wife that, broken-hearted as they were, they regretfully handed over the child in its own best interests.

Once this had been done, however, they endeavoured to place their situation before Senior Departmental Officers, their M.P., their M.L.A., and others. They were eventually directed to the Ombudsman and brought their problem to this Office.

A very considerable investigation was made, and I do not wish to go into details which might tend to reveal the identity of this family and the children who reside with it. Suffice it to say that the Child Welfare authorities were most co-operative throughout the whole investigation, and were deeply concerned with the misunderstanding which had arisen, particularly in view of the excellent results which the complainant and his wife had had with children in the past.

By the time all the information was available and the matter had been thoroughly studied and discussed, the child in question had, of course, been in the hands of the new parents for some considerable time.

To have suggested to the Department that the child be returned to the complainant and his wife would only have served to bring shock and hurt to the new parents, who were deeply attached to the child by this time.

After study and discussion it was agreed between the office of the Child Welfare Branch and my Office that an approach be made to the complainants with the suggestion that they might be prepared to accept a new child, and if so, every effort would be made to obtain for them a child of approximately the same age as the first one and as quickly as possible. It says much for the humanity of these parents that they immediately succumbed to the need of another little child for a home and parental love. They accepted.

A beautiful young baby became available shortly afterwards, and was received for adoption by the complainant and his wife.



There will, of course, be a probationary period before adoption can be completed, but in the meantime, I have received a very warm letter of appreciation from the new parents, together with a photograph of a very healthy, happy looking child.

This case could have developed into a sad tragedy, but I have satisfied myself that whatever error may have been made was an error of misunderstanding and nothing else. The outcome was indeed a happy one for the complainant, his family, the Department, and indeed the Ombudsman.

It is perhaps not well enough understood that the deepest human emotions of parental love for the child, and the child's love for its parents, be they adopted or otherwise, is also involved and calls upon all the skills, tact, and experience of those whose duty it is to find good homes for homeless infants and children.

## ALBERTA SECURITIES COMMISSION

69-290-1

The complainant commenced an investment program and received an Investment Certificate confirming the maturity value of \$1500. Subsequently, the complainant applied for a loan from the Investment Company and the relevant provisions of his contract with the Investment Company stated:

"Upon the deposit with the Company, of this Certificate, duly assigned in favor of the Company, the Holder shall be entitled to borrow from the Company any amount not exceeding the Cash Surrender Value as hereinafter defined. Any such loan shall bear interest at the rate of Six per cent (6%) per annum payable annually, in advance."

When the Investment Company advised that the loan would have to be repaid by regular monthly payments, the complainant approached the Alberta Securities Commission. In due course, the complainant asked for my assistance.

I contacted the Alberta Securities Commission by a memo dated November 3, 1969, indicating that I was unaware of whether or not there was a violation of the Credit and Loan Agreements Act of 1967, but the Company's policy that monthly payments would have to be made on the loan seemed to be in conflict with the written provision of the contract referred to above. As a result of monthly payments on such a loan, the effective rate of interest would appear to be in excess of 11% per annum.

I was very pleased indeed when I received a copy of a letter dated November 28, 1969, sent to the complainant from the Chairman of the Alberta Securities Commission indicating that he was in agreement with the complainant's view that the Company was, in effect, changing the terms of the Investment Certificate by insisting on monthly repayments which had a result of increasing the rate of interest on the loan from 6% per annum to 11.08% per annum. The Investment Company agreed to alter its position by not insisting on the monthly repayments.

The Investment Company further indicated that it would re-

view the whole question of its handling of loans or certificates.

I was gratified that this complaint was rectified so promptly.

The complainant expressed his appreciation to me for the action that was taken on his behalf.

## PRIVATE MATTER

69-420-68

The complainant in this case wrote that he purchased a home, secured title, and moved into the residence on the first of June 1968. After the required four months of residence, he completed an application to the City of Edmonton for the Home Owner's Grant.

He heard nothing further and then inquired at the City Hall. His letter to me stated that he was advised that the previous owner of the property had made an application on July 10, 1968 stating that he was the owner of the property, and he had obtained a Home Owner's Grant to which the complainant felt he, himself, was entitled being the real owner of the property and holding the title.

The complainant had then taken the matter up with the Provincial Department of Municipal Affairs and that Department communicated with the former owner in writing on January 8, 1969. The letter advised the former owner that it appeared the property for which he had received the Home Owner's Grant was not his at the time he applied for it, and that it was further suggested that he refund to the City of Edmonton the Provincial Tax Discount.

I had to consider my jurisdiction in this case, for while the funds have their source with the Provincial Government, actually payment is made by the City of Edmonton. I decided in due course that this was not properly a complaint against a department of the Provincial Government under The Ombudsman Act and I so advised the complainant, suggesting to him that he might seek the advice of the Crown Prosecutor or a solicitor in private practice.

I then placed what information I had before the Provincial Auditor and concluded my case on the grounds of no jurisdiction.

DEPARTMENT OF THE ATTORNEY GENERAL

9/70-110-1

The complainant reported that his house had been searched by plain-clothes members of the R.C.M.P. for illicit spirits. While he resented the search, he was more annoyed by the attitude of the members of the R.C.M.P. He stated they questioned friends, who came to visit during the search, and asked several questions of his children.

He stated that he had complained at the thoroughness of the search, during which the top blew off a demi-john of fermenting wine, which the complainant was making quite legally. The member of the R.C.M.P. to whom he complained, suggested he submit his complaint in writing, according to the complainant. There were several mentions of an abrupt attitude on the part of the Police.

I forwarded the complaint to the Attorney General, and at the same time advised the complainant that I lacked jurisdiction, until he had made a complaint to either the Commanding Officer, "K" Division, R.C.M.P., or alternatively, the Attorney General. I also told him that I had forwarded his complaint to the Attorney General's Department.

The Deputy Attorney General supplied me with complete police reports. These indicated that the search had been carried out by members of the R.C.M.P. and members of a Municipal Police Force together, under legal authority.

It was also revealed that the complainant had complained to the R.C.M.P. personally, the day before he wrote his complaint to me. This time, muddy feet were added to the complaint.

An investigation was made by a senior N.C.O., who had not been involved in the search. The reports state that the N.C.O. talked to the complainant's wife on two occasions. Her husband speaks limited English. The report further mentions that the lady withdrew the complaint.

I wrote the complainant and his wife jointly to verify the statement that they wished the complaint withdrawn. The complainant telephoned the Solicitor to my office to confirm



that he wished to withdraw the complaint. I may say that, following my submission of the complaint to the Attorney General's Department, the Police had once again interviewed the complainant's wife, who once again confirmed her desire to drop the complaint.

It should be noted that the Police had investigated the complaint and reported the results, before becoming aware that the Ombudsman had received a complaint.

DEPARTMENT OF THE ATTORNEY GENERAL

69/70-110-3

The complainant in this case came to the Ombudsman's Office with an involved and seemingly incredible story.

Two of the complainant's brothers were involved in this matter, and all are of the Negro race. This latter point is mentioned only as it is material to the investigation.

The complainant's story was that his brother had been driving his own car, when he had been involved in a minor accident. Several relatives of the complainant were passengers in the car.

The brother, according to the complainant, being unable to produce an operator's license, used his brother, the complainant's, name in identifying himself to both the Police and the driver of the other car involved in the accident.

He was subsequently charged with two traffic offences, being issued with two summonses, which were, of course, in the name of his brother, the complainant.

The complainant went on to state that it was about a week after the accident when he learned from his family that his brother had used his name, and was to appear in court under his, the complainant's, identity.

The complainant stated he had a very serious argument with his father about the situation, particularly as he knew that his brother would be pleading guilty in court in his name. After considerable questioning, it became evident that the father had decided the issue, because of other problems involving the brother, and the complainant had been coerced into remaining silent, while his brother pleaded guilty to two charges in his name in Police Court, and was convicted and fined.

The brother who had committed the offences in the complainant's name, was both the owner of the car and the driver at the time of the accident.

However, in March of 1969, the driver of the other car involved, entered a Claim in the Small Debts Court, and quite

understandably, entered it against both brothers, because the car was properly registered in the name of the brother who was driving it, but according to the statements given to the Police and the convictions, the complainant was the driver.

The driver of the other car served the two summonses personally upon the brother who had actually been driving at the time of the accident. The summonses were returnable in April 1969, but the brother did not let the complainant know of the summonses or of the Claim.

Despite two adjournments, neither of the Defendants appeared, and understandably, the complainant did not appear, because he knew nothing about it.

A Certificate of Judgment in favour of the complainant, the driver of the other car, was issued. Copies of the Certificate were mailed to both Defendants in one envelope, but again the envelope was withheld, this time by their mother, from the complainant.

In the interval, the complainant's brother, who had started the whole thing by wrongfully assuming his brother's identity, was killed in another car accident.

In November of 1969, the complainant received a registered letter from the Administrator of the Motor Vehicle Accident Claims Fund, notifying him that his license had been suspended as a result of the Judgment. The complainant was then informed by his mother of the Judgment, and he then contacted the Department of Highways and Transport.

He had also gone to the Edmonton City Police, who indicated they would inquire into the matter.

However, the Administrator of the Motor Vehicle Accident Claims Fund was sufficiently impressed with the sincerity of this young man, that he advised him to see the Ombudsman.

He told my office the story outlined above, and denied that he had been the driver of the vehicle involved in the accident. Needless to say, he was very closely questioned, particularly as all the blame was now being placed on the deceased brother.

My office did, however, find out from him that a third brother fortuitously had chanced upon the scene of the accident and could testify that the complainant was not the driver, but that the deceased brother was, in fact, the driver.

The complainant's major problem was that he now found himself in the position of having lost his license, with two convictions and a Civil Judgment against him, and he needed his license to earn a living.

An investigation was commenced. The accident was confirmed. The death of the brother in the subsequent accident was also confirmed. The Edmonton City Police were most helpful and the Constable who had made the investigation at the time of the accident, was able to remember the arrival of the third brother at the scene of the accident. He remembered him particularly because he was of the Negro race. It is for this reason only that I referred to race in this report.

We were able to locate a cousin of the complainant, who was a passenger in the car, and was able to testify that the brother had given the name of the complainant to the Police.

More important however, was the fact that we were able to obtain photographs of both brothers, and the driver of the other car involved in the accident was able to positively identify the deceased brother as the man who had driven the car. There is considerable physical difference in weight, size and facial characteristics between the brothers. An Affidavit was obtained from the driver of the other car, who was most helpful.

Cooperation was received from the Department of Highways and Transport, who, upon learning that the Ombudsman had placed the matter under investigation, reinstated the operator's license of the complainant, pending the outcome of the investigation.

Affidavits were obtained wherever necessary, and a full confirmation was made of the story of the complainant.

The appeal period from the civil action in Small Debts Court had expired, and as there was urgency in this respect

concerning the future employment of the complainant, the Solicitor for the Ombudsman appeared as "amicus curiae" before His Honour Chief Judge John M. Decore in the District Court of the Northern Alberta Judicial District, and applied to have the period of appeal extended to December 24, 1969. After reading the Affidavits of the Plaintiff and the Defendant, the Judge granted the extension.

Immediately afterward, I consulted the Chairman of the Legal Aid Committee, who at once arranged for appointment of counsel to represent the complainant from there on.

As a result of representations made by counsel, both charges against the complainant were quashed by a Justice of the Supreme Court. The Small Debt Action against the complainant was set aside and discontinued. The temporary reinstatement of his driver's license was made permanent.

This was a very involved investigation due to the fact that the brother who had carried out this deceit, and placed the complainant in a most hazardous position, was dead. The main witness was unavailable, and it was therefore essential to check the evidence of the relatives of the complainant against independent evidence. In that instance, the evidence of the driver of the other car was invaluable.

The investigation made by my office satisfied me that the complainant's story was indeed true. It is most encouraging to be able to report that it was the Administrator of the Motor Vehicle Accident Claims Fund who, having heard the complainant's story, felt it was worthy of investigation by the Ombudsman. I would like also to acknowledge the immediate cooperation from the Chairman of the Legal Aid Committee to appoint counsel. Finally, the Law Officers of the Attorney General's Department responded quickly when the facts were known to them, keeping me advised of the progress of the case and of the final, very satisfactory result.

This family has suffered great grief in the loss of one son, but it is a matter for satisfaction that the name of the second son has been cleared and the way opened for him to earn a livelihood, without impediment.



DEPARTMENT OF EDUCATION

69/70-120-2

The complainant is a student at a University in another Province, although a resident of Alberta.

I received a letter from him on November 28, 1969. He was in great distress. He had applied to the Students' Assistance Board of the Alberta Department of Education in September, for a Student Loan. He had had no reply, despite several additional enquiries by letter. He stated that he was in serious financial straits, and would have to leave University at Christmas, if help was not received.

In view of the urgency of this student's plight, my office telephoned the office of "Assistance to Students" in the Department of Education.

It was learned that funds had been forwarded to the student on November 3rd, care of the Registrar of the University he was attending. The Department did not have the student's address, which had apparently not been forwarded, and did the next best thing, in order to get the money to him.

On the same date that the complaint was received, the explanation was forwarded to him with the suggestion that he approach the Registrar. I have heard nothing further from him, and presume that he has caught up with his Loan.

## DEPARTMENT OF HIGHWAYS AND TRANSPORT

69/70-140-3

The investigation of this complaint, as it developed, assumed somewhat of an Alice-in-Wonderland atmosphere, which, when concluded, left my office and the Department of Highways officials exhausted, leave alone confused.

The complainant had been a temporary employee with the Department of Highways, until there came a parting of the ways, for reasons which need not concern this report.

At the time the complainant left the employ of the Department, there were two modest sums owing to him, respectively \$54.69 for unpaid salary, and \$29.81 of refundable contributions towards pension.

The complainant, who gave a General Delivery Post Office address in Calgary, wrote this office that he had been unable to obtain payment of either of these amounts from the Department, although he had left its service two and a half months before, and furthermore, he was in dire financial straits. I brought the matter to the attention of the Department.

The Department advised that the cheque for wages had been forwarded to the complainant almost two months before, and the cheque for refund of pension contributions, about the same date on which the complainant wrote my office.

The Department had been advised by the complainant on several occasions that he had not yet received the first cheque and, of course, the second cheque would only have just about reached him at the time of his complaint.

It was ascertained that the cheque had not been cashed by late November, or at least the cancelled cheque had not been returned to the Provincial Treasury Department.

The Department had advised the complainant to give them a written statement that the first cheque had not been received in order that a "stop-payment" affidavit and a new cheque might be issued. By December 16th, the Department had received no reply from the complainant to this request.

My office then wrote to the complainant, outlining the circumstances to him, and suggesting that he get on with supplying the necessary statement and affidavit. That letter was written on January 6, 1970.

A reply was received from the complainant, which was undated, but which gave a new address for him. He stated that he had signed a "sworn affidavit" before a local officer of the Civil Service Association, and had forwarded it to the Department of Highways and Transport. He explained his delay by the fact that he had been employed out of the city and had just returned.

That letter was received in my office on January 26, 1970.

In the interim, on January 23rd, I was advised by the Department that the first cheque had been located by the Treasury. It was cancelled, and there was every indication that it had been forged.

The Department indicated its intention of referring the matter to Treasury, who would probably refer it to the Attorney General's Department.

As nothing further was heard from anybody, my office communicated again with the Department of Highways on April 17th, asking for any available information as to progress.

The reply clearly indicated that the Department had not been idle in its efforts to solve the mystery. The Statutory Declaration that the complainant had received neither of the cheques, had been completed by the complainant, with the assistance of the officer of the Civil Service Association. It had been forwarded to the Department of Highways on January 22, 1970, with a covering letter.

The Department had replied to the Civil Service Association officer, forwarding him a photocopy of the cancelled first cheque, which presumably was forged, in the amount of \$54.69. The Department further requested that the complainant examine the cheque to assure himself that it was indeed not

his signature on the cheque, and if the cheque was a forgery, he was to make a further declaration to that effect. It was further indicated that any bank would supply the required form and that, upon its completion, the complainant should forward it to the Department. The letter also mentioned that no trace of the second cheque had yet been found.

However, by the time the Department wrote us on April 22nd, in reply to our letter of April 17th, there had been new developments. The second cheque in the amount of \$29.81, which was the refund of pension contributions, had also been cashed, and the cancelled cheque located.

It appeared to the Department that the second cheque had also been forged, as it was cashed in a small town in British Columbia, on the same date that the complainant had signed the Statutory Declaration in Calgary before a Commissioner for Oaths.

The letter added that the Treasury Department in Edmonton was forwarding both original cheques to the Main Branch of a bank in Calgary, where the complainant would be required to review them, and in the presence of bank officials, complete affidavits, certifying forgery.

The letter from the Department to my office concluded with the optimistic statement that, "once this has been done, new cheques can be issued." Unfortunately, such optimism was premature.

I wrote to the complainant on May 4, 1970, pointing out the action which had been taken by the Department and suggesting that he go to the bank, sign the affidavits and he could then anticipate new cheques would be issued.

The Department also wrote the complainant on May 7th, apologizing for the delay, due to "our rather unwieldy regulations", but asking that he finalize the matter as quickly as possible by examining the cheques and signing the necessary affidavits.

The next development was the receipt by this office, on June 1st, of another undated letter from the complainant, having

as its origin another General Delivery address in a suburb in British Columbia. That letter advised me that the complainant was now working somewhere out of Vancouver, and could not take any time to further pursue the matter or go to Calgary to view any forged cheques. However, the complainant did point out that he had now ascertained that the second cheque, in the amount of \$29.81, had, in fact, been signed by his wife in an airlines ticket office in the interior of B.C., and that the matter had been satisfactorily explained to him. I might say at this juncture, this was the only one to whom anything had been satisfactorily explained thus far.

He then went on to deny any knowledge of who had signed the first cheque for \$54.69. He also stated that he had given the same information to the Department.

We were now down to one cheque, and I received from the Department of Highways a copy of a letter addressed to the complainant at his new address, advising him that the officials of the Treasury Department required the completion of a Statutory Declaration of forgery, as it was essential before a new cheque could be issued.

The letter further stated that to assist the complainant, the remaining forged cheque had been forwarded to a bank in the same suburb where the complainant was living, where he could view it and make out the necessary affidavit.

The next episode opened with a letter from the complainant, dated June 6, 1970, to the Department of Highways.

It now appeared that the bank in British Columbia would charge \$5.00 for notarizing the document, and the complainant felt that he should not pay this amount to recover \$54.69, which was rightfully his.

The Department immediately replied to him, and agreed with his opinion. The Department also advised him that it had been in touch with Edmonton officials of the same bank, in order to obtain the notarization without fee.

By this time there was no longer any question of a complaint against the Department of Highways, because both the



Department and my office were desperately trying to get the offending cheque somewhere within the gaze of the complainant, so that he might decide whether it was a forgery, and if so, make out the necessary affidavit. This was now a united effort of the Ombudsman's Office and the Department of Highways.

I do not know what happened to the negotiations of the bank in Edmonton, but eventually, the Department communicated with a firm of solicitors in Vancouver, giving the firm the complainant's address, and indicating that the cheque and Declaration for completion would be available to the law firm.

The complainant was duly advised that the cheque and Statutory Declaration had been forwarded to the said firm of lawyers, where it awaited the complainant's attention.

Once again, the best efforts of the Department were foiled. The firm of lawyers in Vancouver advised the Department that the complainant's wife had advised them that her husband was presently working in a remote area in Northern Alberta. She did not know who he was working for, but she did believe the job would be closing down immediately, and he hoped to find another job in the same area. She promised to provide a new address, if she heard from him.

As the complainant had had to go through Edmonton to get to his place of employment, the Department rather plaintively, but quite justifiably, advised my office that it seemed a little difficult to understand why the complainant would go through Edmonton without contacting the Department. This information came to light about mid-July 1970.

However, all was not lost, for on August 28th, the Department advised us that it had finally located the complainant and had successfully obtained from him the necessary Statutory Declaration. The legal fees submitted to the Department were considerably in excess of the original \$5.00 required by the bank to notarize the Statutory Declaration.

I replied to the Department with gratitude, but based on what had gone before, I asked for eventual assurance that the cheque had been safely delivered to the complainant.

By letter of October 5, 1970, the Department advised me that a replacement cheque in the amount of \$54.69 had been forwarded by double registered mail to the complainant on September 17th, and the receipt for the double registered letter had now been received by the Department.

I thereupon wrote the complainant on October 8th, and congratulated him on his good fortune, sympathizing with his frustration, and expressing the hope that my office had been of some assistance to him.

I am sure it will come as no surprise, to the reader of this report, that this case was eventually concluded by the return of that letter to the complainant, to my office, stamped by the Post Office as unclaimed. I promptly closed my file.

This case is shown as rectified, and lest that word indicate any criticism of the Department, I hasten to say that I have never seen a Department work harder, and less successfully, to get money into the hands of a claimant.

## DEPARTMENT OF INDUSTRY AND TOURISM

69/70-150-1

The complainant operates a motel, and has done so for a number of years. Through his Solicitors, he complained that the name of his Motel had been left out of the Approved Accommodation Guide issued by the Alberta Government Travel Bureau for the year 1970. Quite understandably, the complainant was deeply concerned at this exclusion from the Approved Accommodation, which includes 720 fixed accommodation establishments, containing 22,671 rooms or units.

Investigation revealed that in 1967 the Department of Industry and Tourism embarked on a program of inspections of accommodation properties. That was done with the guidance and approval of the Motel Associations of Alberta. Inspection was on a voluntary participation basis by the operators. Five major features were subject to a "satisfactory" or "unsatisfactory" rating in the Inspection Report. These were: availability to overnight patrons, cleanliness, comfort, construction, and courtesy. A satisfactory grading brought inclusion in the Approved Accommodation Guide, and the right to display a sign indicating Approved Accommodation. The standards are spelled out in a Tourist Accommodation Counsellor's Manual, approved by the Minister of Industry and Tourism.

The complainant had run into trouble with the "courtesy" rating. There had been several complaints that his manner was overbearing, and brusque. I may say that the complainant is quite frank in his opposition to noisy parties, loud talking, late guests. Neither does his establishment encourage the use of alcohol on the premises. The complainant is catering to the travelling public, who desire a good night's sleep at a reasonable time. In Navy parlance, he may be said to "run a tight ship", but he certainly has no intention of running a tight motel.

Letters from patrons of the Motel were supplied to my office in photocopy form. While there were a number of critical letters, yet there was approximately the same number of commendatory letters.

Tourist Accommodation Inspection Reports for the Motel were examined, dated June 16, 1969 and July 30, 1969. In both

Reports the Inspector had indicated that all five of the standards were "satisfactory", including courtesy. The Motel operator had signed both Reports and was therefore aware of his "satisfactory" rating. His concern can be appreciated, when later in the same year he was advised that his Motel would not be included in the Approved Accommodation Guide for 1970.

Members of my staff met with senior officers of the Department and the Travel Branch in a most useful discussion, where it was freely accepted that the system was not perfect. It was agreed that the accused motel operator should have had a better opportunity to be heard and to explain his side of the matter.

The program which affected the complainant was not backed by legislative authority.

It was agreed that no Tourist Inspection Report, signed by the complainant, had, at any time, shown any of the five qualifying items as being "not satisfactory."

It was now evident that the officers of the Department of Industry and Tourism, and my staff, were jointly trying to find ways to ensure justice in a program of accommodation inspection, which basically is an excellent program, and of great benefit, not only to the travelling public, but to those operators, who are striving to improve the standards of the service they provide.

I therefore wrote the Deputy Minister, giving him my impressions of the joint meeting held with his officers, and the conclusions as I believed them to be. I also indicated a tentative opinion that, the complainant had a just grievance, which I felt might be solved if his establishment were restored to the 1971 edition of the Accommodation Guide.

I received a reply on behalf of the Deputy Minister, who had studied my letter, but left the Province on business before he could reply.

The major items in the letter were as follows:

1. Consideration will be given to legislation to back the program, with the force of law.

2. The complainant's motel would be included in the 1971 Approved Accommodation Guide. He was in the interim provided with the Approved Accommodation sign.
3. It was agreed that where there is criticism of an operator, he should have an opportunity of meeting such criticism. Future plans would ensure that such provision was made.
4. It had been decided to drop the item "courtesy" from the Inspection Report. I had pointed out that it appeared that judgment was being passed on operators, with no set appeal procedure, and in an area that is to a great extent a matter of personal assessment. It was agreed that this item should not be assessed by a civil servant.

The complaint was therefore "Rectified", and I think I can best conclude this case with the last paragraph of the letter from the Executive Assistant of the Deputy Minister, which he forwarded to me, as outlined above. It reads:

"We do appreciate the manner in which you and your staff have handled this situation and rest assured it has served to illustrate the dangers that can be encountered on the best intended program, in this case to upgrade the standard of accommodation throughout the province. We will continue to maintain close liaison with tourist associations within and outside the province and fulfill our role of protecting the interests of the travelling public in the multi-million dollar accommodation industry of Alberta."



## DEPARTMENT OF LANDS AND FORESTS

69/70-170-6

The complainant had a double-barrelled complaint. He had applied to the Department of Lands and Forests for an increase in the area of his grazing lease, and had made a deposit. Approximately nine months had passed, and he had not yet received a final decision from the Department.

In the interval between the date of the complaint to the Ombudsman, and its referral to the Department by the Ombudsman, the lease had been approved. That element of the complaint was therefore rectified.

I satisfied myself, that the seeming delay in approving the lease, was caused through certain reservations on the parcel of land placed there by the Department of Highways for possible recreational facilities. An inspection was therefore required of the property, as well as approval by a local Board. The complainant also contributed to some extent to the delay. I found the delay to have been reasonable.

However, the second complaint was well-founded. The complainant expressed the opinion that he was paying for the lease of approximately 100 to 125 acres more than were actually in the lease.

When this matter was referred to the Department by the Ombudsman, an investigation revealed that the lease was prepared from surveys made in 1912. Aerial photographs processed in 1961 and 1967 revealed that a river had changed its course considerably since 1912, thereby cutting off 134.10 acres from the land which was leased to the complainant.

As he had leased the land since 1963, the Department, of its own volition, made a rebate to the complainant of all rental and interest charges on 134.10 acres, retroactive to the date of the original lease in 1963. The lease was accordingly amended, and the complaint was therefore rectified.

# ALBERTA HEALTH CARE INSURANCE COMMISSION

69/70-370-1

The complainant in this case complained about her inability to recover what she considered an overpayment for Health Care Insurance to the Alberta Health Care Insurance Commission, and submitted a complaint to me in November of 1969.

An investigation revealed the following situation. The complainant and her husband, who had subsequently died, were recipients of Social Assistance. Just prior to his death in June of 1969, a pre-printed registration was produced for the complainant and her husband, assigning them to separate registration numbers, effective July 1, 1969.

Coverage under these registrations was suspended by the Department of Social Development on August 1, 1969, and the widow advised by the Commission. However, the complainant was also covered under yet a third registration number, and in August, she remitted a sixty dollar fee, for which she had not been billed. As she failed to quote a registration number, the payment was credited to the last mentioned registration; namely, the third registration.

In short, there was a duplicate registration, and following our inquiries, one of the two was cancelled and a refund of sixty dollars made to the complainant.

I may say that we get a number of complaints from time to time concerning overpayment to the Alberta Health Care Insurance Commission. I am aware of how extremely busy this Commission was in its earlier days of organization, and of how difficult it has been for the Commission to keep up with the normal flow of correspondence involving inquiries made by persons who are registered under the Alberta Health Care Insurance Plan.

However, the implementation of this Plan required the setting up of a major organization in a short period of time. Understandably, there have been delays where people have been registered more than once, but it is only fair to say that a considerable number of the public have not always provided all of the information required.

I have found that any inquiries directed to the Commission from this office have been dealt with effectively and quickly, and I anticipate the complaints will decrease as the Plan evolves.

## DEPARTMENT OF AGRICULTURE

70-100-8

This complaint is one of the very few that have been declined, on the grounds that the complainant had knowledge of his complaint for a period of longer than twelve months, before complaining to the Ombudsman. Section 14 of The Ombudsman Act provides that such complaints may be declined at the discretion of the Ombudsman.

I have not made it a practise to decline complaints purely on such grounds, as I felt it would be a long time before the public could be expected to become aware of this discretion, which is given to the Ombudsman. I make it a point to mention it in almost every public address I give.

I have, however, been in office for over three years. There has been considerable press publicity given to my work, both provincially and nationally. I have given numerous T. V. and radio interviews. My annual reports are provided to the daily and weekly papers of this Province. I think the time has come when I must begin to take some notice of this discretion, in the face of an increasing number of complaints each year.

I have had complaints dating back over thirty-five years, where witnesses had long since died, and records were no longer available. These cases have, of course, been obvious ones to be declined. I am now looking more closely at cases of more recent date, particularly if the complainant was someone who could reasonably have been expected to know something of the work of the Ombudsman in this Province. However, I still lean heavily towards acceptance of the complaint.

In this case the complainant had been an Instructor at an Agricultural and Vocational College for several years. In 1962 he had a disagreement with his Superiors over a salary increase. He felt that he should have been included in a new scale of pay for certain groups. He was told very firmly that he would not receive the new rate. He took up his case through the Civil Service Association, but without success.

It is significant to his later complaint to the Ombudsman, that he remained in his position as Instructor for another three

years, and then transferred to another Government Department, where he stated he had done well. This transfer took place in 1965. He made no complaint to the Ombudsman until the late spring of 1970.

He admitted that he had destroyed all correspondence and papers dealing with his case, and was frank enough to state that he realized that it was probably too late now for anything to be done. He was right.

I could see little possibility of a useful result from an investigation. More important, the complainant was now employed in another Provincial Government Department, where he had advanced and seemed contented.

I declined the complaint for the reasons stated above, and gave him a very full explanation of my reasons.



DEPARTMENT OF THE ATTORNEY GENERAL

70-110-2

The John Howard Society, Edmonton, submitted a complaint in writing on behalf of the complainant in this case.

Apparently, the complainant was apprehended in another province by the R.C.M.P. on a warrant issued to another police force in Alberta, as a result of two serious charges being placed against him.

He was held on remand in an Alberta Provincial gaol for some time and subsequently was acquitted on both charges.

The complaint, as made to me by the John Howard Society, was that no return transportation had been provided by the Department of the Attorney General to this man's home in the other province, despite the dismissal of the charges against him.

I took the matter up with the Department of the Attorney General, where I learned that counsel acting for the complainant had, following his trial, referred his lack of funds and transportation to the Department of the Attorney General. The lawyer made representations that as the accused had been acquitted of the charges against him, it was reasonable that some arrangement should be made for his return to his home province. The application by the lawyer was confirmed in writing a day later.

The Departmental records show that a travel warrant was issued for the complainant by the Department almost immediately. The Department contacted the solicitor for the complainant, only to find that the complainant had left no forwarding address with his lawyer, although his lawyer had asked him to keep in touch with him, so that he could notify him if transportation was provided. Under the circumstances, the lawyer was unable to assist in getting the travel warrant into the hands of his client.

There obviously was some misunderstanding, and the complainant eventually obtained transportation through the good offices of the Salvation Army.

I advised the complainant in writing, and the John Howard Society, of the results of my investigation, to the effect that the Department had acted properly and promptly but, through no fault of the Department, was unable to get in touch with the complainant to advise him that transportation was available.

There is apparently no law authorizing such travel assistance where a person has been returned to this Province under escort and subsequently acquitted. However, the Department of the Attorney General in cases such as this, generally provides travel assistance. The complaint was not justified.

DEPARTMENT OF THE ATTORNEY GENERAL

70-110-5

The complainant was an inmate of a Provincial Correctional Institute. He complained of claustrophobia, and fear of noise. He also admitted to fits of temper, which put him in difficulties with the custodial staff. His letter indicated that he was an alcoholic; that he had been a patient in a Provincial Hospital on one or more occasions, and there was a suggestion of suicidal tendencies.

I wrote him that I would look into his complaint, and asked the Department for information, at the same time suggesting a possible psychiatric examination.

My letter to the complainant was returned with the information that the complainant was now in a Mental Hospital. A subsequent letter from the Correction Services Director, confirmed that the complainant had been transferred to a Mental Hospital before my complaint had reached the Department. Obviously his condition had become manifest to the authorities, suggesting a good degree of inmate supervision. The complaint was shown as "Rectified."

DEPARTMENT OF THE ATTORNEY GENERAL

70-110-13

The complainant and her family reside in an Alberta town. The Town is policed by the R.C.M.P. on a Municipal contract basis. The complainant's children found a sum of money of approximately thirty dollars in a dirt pile near their home.

The money was turned over to the R.C.M.P. and the complainant claims that she was told at that time by the Constable that if the owner did not claim the money within a year it would be returned to the children. This statement did not turn out to be accurate but as the procedure outlined is common procedure, it is understandable that the Constable would give such advice.

Some time before, the same family had found a tire in the country which they had turned in to the R.C.M.P. in another area. As the tire was never claimed, it was eventually returned to the complainant's family.

In this case the R.C.M.P. turned money over to the Municipal authorities, namely the Secretary-Treasurer of the Town. The police turned the money over to the Secretary-Treasurer in August of 1967 and received a receipt. The procedure was in accordance with written and standard police instructions.

No claim was made for the money, and in May of 1968 the Town transferred the money to its own General Revenue Fund. When the complainant found what had happened to the money she complained to the Ombudsman in early 1970.

In declining to return the funds to the family who had found it, the Town County referred to Section 410 of the Municipal Government Act as its authority. However, at the time the money was turned in to the Town, the Town and Village Act was in effect and Section 481 would, in my view, be the effective Section.

In any event, the Town believed that it had the authority to retain the money, although unclaimed, rather than to return it to the finder.

As this was a complaint against the Town authorities, I had no jurisdiction to intervene or to make an investigation.

However, as the procedure adopted by the Town was so widely different from that which is generally adopted in such cases, I brought it to the attention of the Attorney General's Department.

I felt that the interpretation which the Town had placed on the Legislation would tend to discourage honesty, and I felt, the Department would possibly wish to consider some amendment to the Act.

In fact, the complainant stated quite definitely that her children would not turn over anything they found again; an understandable, if not praiseworthy attitude. Case was concluded on the grounds of no jurisdiction.



DEPARTMENT OF THE ATTORNEY GENERAL

70-110-21

The complainant in this case was an inmate of a Provincial gaol. While he was serving a sentence of one year's imprisonment in the Provincial gaol, five other charges against him were disposed of by a plea of guilty.

These latter offences were committed in one of the Territories, and with the consent of the Deputy Attorney General of Canada, these charges could be disposed of locally, provided the accused pleaded guilty, as he did in this case. The sentences given were to run concurrent with the one year's imprisonment, which the accused was already serving in an Alberta gaol.

There were, however, at least three other serious charges under the Criminal Code outstanding against him in another province, and the Attorney General of that province declined to authorize disposition of these charges in Alberta by the accused pleading guilty. Therefore, the situation was that the accused would normally, upon finishing his sentence in Alberta, be returned to the other province to face the criminal charges against him there.

His complaint to me was that he was held in stricter custody in the Alberta gaol because of the outstanding charges against him in the other province. He complained that he was not allowed to work outside the actual prison buildings, whereas other prisoners were allowed to do so. The overall subject of his complaint was that he was therefore being punished by the extra strict measures taken; in a manner more severe than other prisoners serving their sentences, simply because there were outstanding charges against him in another province, but of which he had not yet been convicted.

It seemed to be his view that he should have similar work privileges to other inmates, on the grounds that a man is innocent until proven guilty, and he had not yet been proven guilty of the charges against him in that other province.

I think he raised an interesting point, but at the same time, I could comprehend the concern of the prison authorities

for the safe custody of the prisoner, whom eventually would have to be transferred to the other province.

The concern that the prisoner should not work outside the actual buildings was increased by the fact that the grounds are not fenced, the prison not being a maximum security prison.

I was at a point of discussion with the Deputy Attorney General as to the problem of the requirement to produce the prisoner in due course to face charges elsewhere, while at the same time considering that his confinement was more restrictive than that imposed on other prisoners, actually as a result of charges for which he had not yet been convicted.

However, the matter was resolved very quickly when the complainant was once again convicted for a serious offence which had occurred prior to his imprisonment, and he received a sentence of two years in the penitentiary. Such a sentence, of course, meant that he was transferred to a Federal penitentiary, and was thus removed not only from the jurisdiction of the Provincial gaol authorities, but also from the jurisdiction of the Alberta Ombudsman. The problem is now one for the Federal Department of Penitentiaries and I therefore closed my file on the basis of a lack of jurisdiction.

DEPARTMENT OF THE ATTORNEY GENERAL

70-110-29

The complainant was serving a sentence in a Provincial Correctional Institution. He had been sent to a minimum security bush camp with other inmates to work under the direction of Correction Officers and Forestry Officers.

He complained that he had been returned to the Correctional Institution from the bush camp and segregated from the general inmate population without explanation.

Although an investigation was commenced about three weeks from the writing of his complaint, he had already been released upon completion of sentence.

However, an investigation was made. It was learned that the complainant had been a troublemaker in the camp. He was constantly complaining about his work, at which he was useless. He was an agitator among the other inmates. He was not in fact segregated, but was held in another wing of the Correctional Institution, while investigations of the complaints of other prisoners, instigated by him, had been made.

While at the bush camp, the complainant had organized a petition to the Warden. It outlined a rather remarkable catalogue of complaints. First the inmates objected to being required to remain within the boundaries of the camp. Then they wanted to play ball games with the Forestry Officials, and new ball equipment to do it with. Also in the recreational and cultural field, it appeared there was a requirement for new records and record needles, guitar strings, followed by a radio.

There was objection to guards complaining about the manner in which the inmates carried out their work. Additionally, the complainant who drafted the petition complained that he had been there a month and they hadn't had a bingo yet.

The complainant had neglected to mention to the Ombudsman that he had personally, in writing, asked the Warden to return him from the bush camp to the Correctional Institution.

70-110-29 (Continued)

The highlight of the complaints, however, was a plea to be able to go on unsupervised hikes, when the inmates felt like it. After all, the complainant explained, "it is a big bush";... "we are all experienced bush men";..."are we not trusted?"

I suspect the Warden found this last request a little "avant garde", for even the most forward looking rehabilitation program. I did, and found the complaint "Not Justified".

DEPARTMENT OF THE ATTORNEY GENERAL

70-110-55

The complainant wrote that when her husband had been arrested in December 1968, the R.C.M.P. had taken possession of a considerable number of his effects, including personal papers. Her husband was now serving a penitentiary sentence for a serious offence.

She claimed to have written authority from her husband to take possession of his effects, which had now served their purpose, and apparently, were no longer required as evidence. They were now under control of the Attorney General's Department.

The complainant stated that she had written the Department in August of 1970, after making several telephone calls. She sent me a copy of her letter, along with her letter of complaint, dated October 1970.

I wrote the Department on November 3rd, bringing the complaint to its attention. I received a letter from the Department dated November 18th, advising me that the complainant had picked up all the property belonging to her husband, and forwarding the Departmental file for my information.

Shortly thereafter, I received a letter from the complainant confirming the fact that she had received her husband's property, and expressing her thanks.

I returned the file to the Attorney General's Department, and advised that I was showing the complaint as rectified, and concluding my file.



## DEPARTMENT OF EDUCATION

70-120-7

The complainant in this case, a student, completed his Grade XII at an Edmonton high school. He had applied to the University of Waterloo, Ontario for admission to the Faculty of Science, School of Optometry. This, I understand, is the only English speaking School of Optometry in Canada.

As required, he sent a request to the Alberta Department of Education, asking that copies of the transcripts of his final marks for Grade XII be sent to the University of Waterloo and the University of Alberta. Transcripts were sent to both Universities.

In August of 1969, he was refused admission to the University of Waterloo on the grounds that his "academic background was not considered adequate."

He was, however, accepted at the University of Alberta, Faculty of Business Administration and Commerce, where he registered and attended the First Year.

In January of 1970, he received his Grade XII diploma and an official transcript of his grades. Only then did he notice that there was a discrepancy between the grades he had actually received and the grades listed on the transcript sent to the University of Waterloo in two subjects. He checked with the Department of Education, where it was admitted that an error had been made in the two subjects, and he was sent a correct copy of the transcript, dated March 16, 1970.

The procedure was somewhat complicated by the fact that his school was undergoing an experimental final exam program at the time, and the end result was, that the transcript of marks which had been sent to the University of Waterloo was in fact wrong. In two subjects marks had been sent to Waterloo University considerably below the marks which the student had actually received.

He communicated with the University of Waterloo, and received some indication that the refusal of admission the year before had been based on the incorrect marks, which had been sent to the University by the Department of Education.

He complained to the Ombudsman, and I commenced an investigation.

The error made by the Department of Education in transcribing marks was admitted.

I communicated with the Registrar and the Assistant Registrar of the Faculty of Science, University of Waterloo, to ascertain whether or not the complainant's denial of admission to the School of Optometry, the previous year, had been as a result of the two low marks. The Registrars were most helpful, and it was in due course indicated that had the University received the correct marks the year before, the complainant would have in all probability, been admitted, if he met other requirements which, obviously, had not been checked once his marks were found to be unsuitable.

It was also indicated that a further application from the complainant would receive every consideration, and indeed he has now been admitted to the First Year of Optometry at the University of Waterloo, having completed one year of Business Administration at the University of Alberta.

The complainant, however, had in his view, lost a year, which in the end would result in his earning capacity in the business world being delayed for an extra year, and he estimated that in fees and other expenditures, he had a claim for \$700.00.

All of the above information was conveyed to the Deputy Minister of Education.

I was not required to make any further recommendation, for the Department, of its own volition, prepared an Order-in-Council, which the Minister of Education subsequently presented to the Lieutenant Governor in Council, and which was duly approved, authorizing payment of the sum of \$700.00 to the complainant. The complaint was therefore Rectified.

It may be of interest that in that year, 1969, the Department processed 84,754 Grade XII examination papers, and some human error is understandable. In this instance, it was temporarily a costly one for the complainant.

## DEPARTMENT OF EDUCATION

70-120-10

The complainant, a former resident of Saskatchewan, is a student at an Alberta university. He is a married man with several children who, after a number of years in the business world, decided to enter university for a Degree Course. He came to Alberta, apparently for that purpose, and was accepted as a mature adult non-matriculated student into a Faculty.

He applied to his former Province of Saskatchewan for a Canada Student's Loan and eventually received \$1,000.

He subsequently applied to the Students' Assistance Board of the Alberta Department of Education, making application for student assistance. The Departmental records indicate that, prior to the complainant's enrolment at an Alberta university, he had applied for financial aid from the Alberta plan, and had been advised that he was not eligible; presumably on the basis that he had or would receive aid from Saskatchewan.

In August 1969 he complained to me against the decision to refuse him financial assistance in this Province, and his complaint was directed against the Students' Assistance Board.

I advised him of the several avenues of review and appeal which were still available to him; pointing out the requirements under The Ombudsman Act that these channels must be traversed unsuccessfully before I could take his complaint. I also provided him with some recent printed material covering revision of the rules of eligibility for Student Loans.

In February of 1970 the complainant again brought his problem to my attention, stating that he was still unsuccessful in obtaining financial assistance; indicating that the grounds for his refusal were that he had already obtained a Federal Loan of \$1,000 through the Province of Saskatchewan.

With a family to support and his education to finance, he could not, of course, subsist without additional help. He had been able to obtain a bursary, which was of some assistance and he provided me with a list of the spare time and night

employment which he had undertaken since his previous complaint. Obviously this complainant was prepared to undertake onerous jobs of all kinds in order to sustain his family and himself. There could be no question but that this man and his family were prepared to make great sacrifices to complete his education.

I referred the matter to the Deputy Minister of Education to ascertain the status of the case, and whatever avenues of review might still be available to the complainant. Further information was obtained directly from the complainant.

I should make it quite clear here that I did not make any recommendation to the Department but was merely inquiring as to the status of the case.

In May of 1970 I was advised by the Chairman of the Students' Assistance Board by letter that the Department had made a study of the complainant's entire case, and in the end, it was decided that the Students' Assistance Board was prepared to assist the complainant with a financial grant - "which is provided in very special circumstances to people who have demonstrated great need and who have provided sufficient proof that they are prepared to become productive Alberta citizens."

The letter which I received further indicated that the Board was impressed by the complainant's motivation to further his education, and should be given some consideration for his past year.

I was able to advise the complainant, supplementary to the communication he received from the Department, and I received a letter of appreciation from the complainant.

I should like to point out that although I asked the Department for information about his complaint, I had at no time made any recommendation, and the decision made, which has rectified this complaint, was a decision made entirely by the Students' Assistance Board from its own examination of the circumstances. I feel the fact to be important, that the Department went to considerable lengths to encourage a man who had given every indication of strong motivation.

70-120-10 (Continued)

I doubt very much that I could have properly expressed an adverse opinion, if the Board had felt that it could not support the application, and this case may be of interest to those who have severely criticized some of the decisions of the Students' Assistance Board in complaints to me.



## DEPARTMENT OF HEALTH

70-130-9

The following inquiry was not brought about by a definite complaint to this office, but was carried out of my own motion, as authorized by The Ombudsman Act.

I had been present at a conversation where it was suggested that there was a patient recently admitted to an Alberta Mental Hospital, whose knowledge of English was extremely limited, and whose mother tongue was one of a proportionately small ethnic group in Canada.

It was suggested that there was some difficulty in communication with him by the hospital staff, and that perhaps his committal had therefore been irregular, or based on language difficulties.

I undertook to conduct an inquiry and I first ascertained that his committal to the mental hospital had been quite proper and was based on medical evidence. Further, that his committal had been carried out in the proper way, and all the proper procedures had been followed.

However, it was revealed that following his admission to the hospital, there had been some problems of communication with the staff and the doctors, due to the language barrier. I could not find that his medical treatment was in any way jeopardized by this problem, but I was satisfied that any doctor who did not speak his language would have difficulty in getting a complete and free flowing volume of useful information that was required.

My investigation also revealed that the problem had been to a considerable extent overcome when a friend of the patient, who spoke his language, visited him at the hospital. Through that friend much of the information which the hospital wanted for its records was obtained.

I also satisfied myself that the hospital, and others of its kind in this Province, maintain a list of all members of the staff who can act as interpreters for the various languages of patients.

I had a discussion with the Director of the Division of Mental Health at the time, dealing particularly with those cases where the language was an unusual one, and where interpreters were not readily available on the staff of the hospital. As a result of our discussions, instructions have gone to the hospitals that where there is no interpreter available on the staff, the hospital will contact either the local District Court or the Consul of the country concerned, to obtain a qualified interpreter in the specific language.

In this instance, there was nothing whatsoever to suggest that the patient had in any way suffered as a result of the language difficulty, and I am satisfied that the arrangements made will provide for an interpreter for similar cases in the future, as quickly as can be done. I closed my file and showed this particular matter as rectified.

## DEPARTMENT OF HIGHWAYS AND TRANSPORT

70-140-6

The complainant in this case, while crossing the street in September of 1945 as a pedestrian, had been struck by a motor vehicle. He was very seriously injured.

In due course, through civil suit, the Courts awarded him damages in the amount of ten thousand dollars. However, the operator of the vehicle in question did not carry insurance, and as a result, the case was referred to the Motor Vehicle Accident Claims Fund. The complainant received from that fund the amount of five thousand dollars which, at that time, was the maximum amount allowable under the Act.

The complainant appeared personally at the Ombudsman's Office in January of 1970. He had suffered very severe and serious head and leg injuries and was apparently unemployable. He was in receipt of a Provincial Government Disability Pension in the amount of seventy-five dollars a month to which was added another ten dollars and twenty cents a month in Social Welfare. He had no other income.

As he had not yet taken his problem to the Department of Highways and Transport, he was advised on how to direct a letter to the Administrator of the Motor Vehicle Accident Claims Fund, to see whether or not some remedial action might be open to him at this time. Notes were prepared by a member of the Ombudsman's staff and given to the complainant in order to assist him to write his letter to the Department. He was further advised that he could bring his complaint to this Office again if he was not satisfied with the results obtained.

He wrote his letter to the Administrator of the Motor Vehicle Accident Claims Fund on January 26, 1970. It was acknowledged and the complainant was asked to obtain certain medical opinions and to provide some information on his financial status. The Administrator similarly asked the Ombudsman's Office for any information that I might be able to supply in view of the fact that the complainant had been personally interviewed at this Office by Investigators for the Ombudsman's Office. All information available was supplied to the Administrator.

The Administrator brought to my attention an amendment to their Motor Vehicle Accident Claims Act; namely, Section 8(a). That amendment came into effect on April 11, 1967, almost twenty-two years after the complainant had been involved in the accident.

The amendment provided that where a special case of hardship or need existed, the Lieutenant-Governor in Council in his discretion might authorize the Administrator to pay out of this fund amounts not greater than the amount of the actual judgment or indeed, an amount up to the maximum limits payable under the Act at the time that the payment is made.

The Administrator then carried out an investigation of the complainant's situation and reached the opinion that he qualified under the Section. As a result of recommendations made by the Administrator, a recommendation for an Order-in-Council was prepared recommending that the complainant receive the additional sum of four thousand nine hundred and eighteen dollars and nine cents, being the balance owing on the original judgment of 1947.

That Order-in-Council was passed and the cheque was forwarded to the complainant in the amount mentioned in May of 1970.

This case is an excellent illustration of the considerable number of persons who bring complaints to the Ombudsman's Office, unaware that there are remedies available to them in existing legislation administered by some department or agency of the Government, and where they could have made application directly had they been aware of the availability of such a remedy. Frequently, initial inquiries made by this Office will permit us to direct the complainant into the right department. In this instance when the complainant's problem and our own preliminary investigations were brought to the attention of the Administrator of the Motor Vehicle Accident Claims Act, he immediately advised me of the 1967 amendment to the Motor Vehicle Accident Claims Act. From that point forward, he himself took over the progress of the complaint with the very beneficial result to the complainant which followed.

70-140-6 (Continued)

The complainant expressed his appreciation for the manner in which his complaint had been remedied.



DEPARTMENT OF THE PROVINCIAL SECRETARY

70-200-2

The complainant in this case suffered financial losses as a direct result of certain incidents connected with Real Estate matters. He initiated litigation before the Trial Division of the Supreme Court of Alberta, and in due course was awarded a Judgment in his favour.

My investigation was concerned solely with the complainant's contention that proceedings should have been initiated by the Provincial Government with respect to the realtor's bond, pursuant to the provisions of The Real Estate Agents' Licensing Act. The Department was required to adhere to the provisions of Section 12 of The Real Estate Agents' Licensing Act, which states as follows:

"12.(1) A bond mentioned in section 7 is forfeited and the amount thereof becomes due and owing by the person bound thereby as a debt due the Crown in right of Alberta upon any person in respect of the conduct of whom the bond has been conditioned,

(a) being convicted under the Criminal Code of an offence, committed during the period of the bond, involving fraud, theft or conspiracy to commit an offence involving fraud or theft,

(b) having a judgment, based on a finding of fraud or breach of trust in respect of any act or omission occurring during the period of the bond awarded against him, or

(c) making an assignment in bankruptcy or being made the subject of a receiving order or winding-up order pursuant to the Bankruptcy Act (Canada) or any other statute as a result of any act or omission occurring during the period of the bond,

and in each case the conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken.

(2) Proceedings in respect of a bond may be brought within, but not after, two years from the date of the termination of the bond.

(3) Notwithstanding any other provision of this Act the total liability of the surety under the bond shall not exceed the face value of the bond."

The complainant anticipated that at the conclusion of the Court proceedings that he had initiated, that the Provincial Government would make a call on the \$1,000 bond in question. However, the Department was unable to commence any proceedings with respect to the bond, unless one of the three conditions set out in Section 12 of the Act was applicable. In this case, the Court Judgment in connection with the proceedings initiated by the complainant, was not finalized until long after the two year period referred to in Section 12(2) of the Act, that is quoted above. As a matter of fact, the Court Judgment did not specifically state that it was based on the findings of fraud or a breach of trust; that is a further requirement of Section 12 of the Act. Additionally, there was no conviction under the Criminal Code for any offence committed during the bond and there was no assignment made in bankruptcy.

Consequently, the Department was unable to commence any proceedings with respect to the bond.

It is my understanding that if the Department was in a position to commence proceedings regarding the bond, and ultimately obtained the \$1,000 from the Bonding Company, that very likely the Department would turn over to the complainant the entire sum received.

It is obvious that in this particular case, the Bonding Company cannot be required to pay the proceeds of the \$1,000 bond, and furthermore, the Realtor against whom judgment was obtained, can truthfully state that no call was made on his bond.

I am satisfied that no complaint against the Department could be justified, as the administrators, who had considered the complaint, were bound by the provisions of the existing legislation.

As authorized by Section 20(3) of The Ombudsman Act, I would suggest that the existing legislation might well merit reconsideration. I understand that the Department would have com-

menced proceedings with respect to the bond in question, had it not been for the provision which requires that proceedings must be brought within two years from the date of termination of the bond.

It was not the fault of the complainant that the legal proceedings continued until the expiry date had passed. The Department could have taken action, if the legislation had permitted a claim against the bond provided proceedings had commenced against the agent or salesman within two years from the termination of the bond.

I make this suggestion, in the hope that by an amendment to this legislation, such a situation will be prevented in the future.

DEPARTMENT OF SOCIAL DEVELOPMENT

70-210-4

At the beginning of 1970, there was considerable Press publicity, concerning allegations that men who were residing at the Single Men's Hostel in Edmonton were being mistreated. Physical violence on the part of some of the attendants was also alleged.

I received a small number of complaints from apparent residents of the Hostel, including one petition. All alleged violence to an extent which, if true, would amount to Criminal offences.

I endeavored to locate the obvious sponsor of the complaints, but he had left the Hostel and left no forwarding address.

I also received a complaint from the Alberta Human Rights Association, forwarding a copy of a letter to the Chief of Police of Edmonton, alleging assaults against some residents of the Hostel. The letter to me sought my support.

However, by the time I received the letter a Commission of Enquiry had been appointed by the Lieutenant-Governor in Council, with a Justice of the Supreme as the single Commissioner.

I, therefore, advised the Alberta Human Rights Association, that I would not be carrying out a separate investigation on my own, but would supply the Commissioner with any useful information I received, provided I was authorized to do so by any complainant.

The complaints were therefore declined by authority of Section 14, Sub-Section 1 (a) of The Ombudsman Act.

DEPARTMENT OF SOCIAL DEVELOPMENT

70-210-31

This was an urgent complaint requiring immediate action. The complainants, a man and wife, had an infant in their care as a foster child. The little girl had been placed with this family by the Child Welfare Branch until an adoptive family could be matched with the child.

I received an urgent complaint from the foster parents, stating that they had fallen in love with the child, and had applied to the Director of Child Welfare, to commence adoption procedures. The complaint added that the applicants could not get a definite reply, but had not been encouraged. Finally they were advised that a suitable family for adoption had been located, and the child would be removed from the foster parents' home almost immediately.

I immediately communicated with the Director of Child Welfare, asking that the removal of the child be postponed until I could make an investigation. As usual, the Director was completely co-operative, and agreed to delay proceedings.

Initial inquiries revealed that the complainants had two other foster children in their home. These two children had been placed in this foster home after several unsuccessful attempts in other homes. There were health and other problems. However, since they had been placed in the home of the complainants, they had made very good progress indeed. However, it was made quite clear to the complainants that these two children were placed in their home on a foster home basis only, and not for adoption.

It must be noted that, when subsequently the baby girl was placed in the home, an Officer of the Branch had reported that there was reason to believe that the complainants might have adoption in mind in this case. That warning was well-founded, for the complainants fell in love with the little girl, and did indeed apply for adoption.

However, they had at no time been lead to believe that they might receive approval, because the child was an adoptive child, and a good home was quickly found.



The complainants appealed directly to the Director, who did not feel that he could accept the application for two reasons.

First, there was an adoption waiting for the placement of the baby, and placement was imminent. This likelihood was known to the complainants when they received the child.

There is a general Departmental policy against permitting children to be adopted into foster homes, where there are already other children, who have only foster home status. Experience has indicated that the foster children eventually wonder why they were not loved enough to be adopted, and the adopted child, seeing other children come and go, wonders when his time will come.

There has been considerable opposition to this policy among groups of foster parents, some of whom made representations in this particular case. I have had the policy carefully explained to me, and while I can understand the objections of foster parents, I cannot criticize the policy, as a general policy subject to reconsideration in particular cases. I believe the effect on children can well be as was described to me.

However, in this case a responsible Officer of the Department had warned of the possible motive for adoption. None the less, the child had been placed with the complainants as a foster child, and I realize that such decisions are a matter of considered judgment, and there are no hard and fast precedents.

My office discussed the matter with Officers of the Child Welfare Branch, and at the request of the complainants, the Director convened a special meeting of the Child Welfare Commission, at which the complainants were allowed to plead their case.

The Commission paid heed to the considerable ability the complainants had displayed in handling children. It was also felt that there was good potential for long term foster care, or even adoption for the two older children. Therefore, the Commission, while reiterating the soundness of current procedures and policies, recommended that the couple be allowed the opportunity to adopt the baby girl. The recommendation was accepted.

There will, of course, be a trial period of foster care, and there are some legal procedures to be completed. When these have been completed, the way will be open to apply for adoption. The prospective parents have expressed their complete satisfaction with the results achieved. This complaint was resolved within forty-eight hours of its receipt.

The Director and Officers of the Child Welfare Branch are not infallible, and their task is all the greater, in that they must make decisions affecting the whole future of little children, who can have no voice in such decisions. I have been much impressed with the care which is given to such decisions, and the willingness to reconsider such decisions, which I have noted on a number of occasions.

## ALBERTA GOVERNMENT TELEPHONES

70-260-6

The complainant and her husband rented a home in Edmonton in which there was a telephone installed. They also rented other rooms to other people.

Their telephone was in the main hallway of their home where, of course, it was accessible to other persons in the building.

On November 1, 1969 the complainant and her husband moved out of the premises. On the 3rd of November they asked the City of Edmonton to cut off the utilities. However, they were advised that the utilities could not be cut off before the 6th of November.

A number of long-distance telephone calls, several of them by direct dialing, were made on the telephone between the 3rd of November and the 6th of November. The complainants had of course vacated the premises before that time.

As these were long-distance calls, they were billed to the complainant by the Alberta Government Telephones which handles long-distance service for the City of Edmonton Telephone System.

The bill was not paid, except a small portion of it, and on the 15th of January 1970 the service at the complainant's new residence was therefore discontinued.

The complainant took the view that having notified the telephone company on the 3rd of November, that they therefore had no further responsibility for the telephone. However, there was no denial of the fact that they had been advised of the fact that service could not be discontinued until the 6th of November. The company took the view, and in my view quite correctly, that until service was discontinued the phone was the responsibility of the complainant and her husband.

Furthermore, the complainant had not supplied the telephone company with the names of any of the other persons who rented rooms in the house, which information might have been of assist-

ance to the telephone company in tracing down some of the calls. This information was obtained by my Office and supplied to the telephone company. I concluded my file and found the complaint not justified.

## WORKMEN'S COMPENSATION BOARD

70-300-46

The complainant wrote to me in June of 1970 from a Federal Penitentiary regarding a letter he received from the Workmen's Compensation Board. The Board had advised him in the previous month that no benefits would be paid to him, his wife, or his children during his prison confinement.

The relevant provisions of The Workmen's Compensation Act are as follows:

31(6) - "Where any person who is entitled to compensation under this Act is committed to a gaol or prison, compensation is not payable to him for the period of his confinement therein, but the Board may pay the whole or any part of the compensation to any dependant of any person so committed."

The Board made it clear to the complainant that its decision was based on the information that his wife was taking a divorce action, and that she was still taking care of, and had custody of the complainant's children. Under these circumstances, the Board concluded that the wife and children were no longer dependent upon him, and so the Board exercised its discretion provided for by Section 31(6) quoted above, and accordingly refused to accede to the complainant's request.

In the same month that I received this complaint, an Investigator from my office interviewed the complainant to obtain the relevant facts. As a result of that interview, I ascertained that the complainant was injured and as a result, he was awarded a disability monthly pension of \$350 in May, 1969, which was increased to \$360 per month in February, 1970. In February of 1970, the complainant was convicted for a breach of the Criminal Code. Shortly thereafter he received further examinations by Officials of the Workmen's Compensation Board, and was at or about the same time advised concerning the effect of the Legislative provisions quoted above.

His two children, ages three and four years respectively, were being cared for by their mother, the complainant's wife, and a further child is expected to be born shortly. I understand that, following the imprisonment, court action regarding the mar-



riage had been considered. Nevertheless, immediately prior to the interview with one of my Investigators, the complainant and his wife reconciled their positions, and fully agreed to be reunited following the complainant's release.

The complainant was briefed by my office as to the effect of the relevant legislation and advised as to the relevant facts that should be emphasized, upon requesting the Board to reconsider its earlier decision.

It seems that the situation has been satisfactorily resolved, for in July 1970, I received a further letter from the complainant, indicating that the Board will send further cheques to the complainant's wife. The complainant in that letter thanked my office for the assistance provided.

I was certainly pleased to note, as a result of that information supplied to the complainant, that the difficulties which he encountered were satisfactorily resolved. For these reasons it was not necessary for me to contact the Board in this case.

## ALBERTA HEALTH CARE INSURANCE COMMISSION

70-370-9

The complainant was a contributor to the Alberta Health Care Insurance Plan through a Federal Pension Plan. His present employer, unaware of his contributions, included him in a group plan, and made contributions to the Plan on his behalf.

When the complainant became aware as to what had happened, he applied for a refund of his contribution through his employer and for cancellation of his double registration.

He eventually felt that the delay in making the refund had been too long and complained to the Ombudsman. He blamed the Commission for the entire affair. An inquiry was made. It was found that the Commission could not be blamed for the deductions made by the employer. Additionally, the employer could hardly be blamed for not knowing that the complainant was already a contributor from another source, as the complainant had not advised his employer.

The delay seemed to have originated when the first contribution came from the Federal Government. The complainant was given a registration number; Ottawa was advised of the number, but apparently the Commission itself failed to activate the number. Therefore, the monthly deductions forwarded by the Federal Government, were held in suspense, and not credited to the credit of the complainant. When the registration number was finally identified with the complainant, and the account was "activated", it immediately brought up a sum in arrears, because the amounts in suspense, had, of course, not been credited to the complainant's account.

The arrival of the additional contributions from the complainant himself, resulting in a double registration, did nothing to clarify the issue. The complainant, in letters to the Minister and the Premier, clearly indicated his annoyance.

He did, in fact, receive a very detailed explanation of the situation by letter, but the devious methods of the computer, are not easily explained to the layman, nor were they too clear to my own staff, without further inquiries from the Commission.

My inquiries revealed that the employer's deductions from the complainant's salary had not yet reached the Commission. That fact cleared the Commission of any charge of error, except for the original error of failing to activate the account. It must also be stated that the Federal Government makes such payments one month in arrears, instead of on the due date, as is done by normal contributors. A mistake can occur.

In any event, when the complaint was brought to the attention of the Commission by the Ombudsman, the employer was approached, and arrangements made for the employer to refund the deductions made from the complainant's salary. The complaint was therefore rectified.

This complaint serves to illustrate the complexity of the apparatus, which must process these contributions from individuals, from employers, and from various annuity and pension schemes on behalf of the contributor. Add to these, changes of address, changes of employment, not all of which are properly reported, and you have a good recipe for hostility between the frustrated citizen and the beleaguered civil servant. Unfortunately, at times, both feel imposed upon, and with considerable justification.

ALBERTA HAIL AND CROP INSURANCE CORPORATION

70-390-1

In 1969, the complainant, a farmer, insured his oat and barley crops with the Alberta Hail and Crop Insurance Corporation. He was unable to complete harvest in the fall due to adverse weather conditions. He reported his unharvested acreage so that a fall inspection could be made.

On October 29, 1969, an adjustor from the Corporation estimated that on the basis of potential yield, apparent at that time, his crop of barley could yield sufficient grain and no loss would be payable.

On April 29, 1970, the complainant filed a claim with a request for an inspection of the unharvested barley acreage. On May 6th, the adjustor made a further inspection, and estimated potential further yield as "nil." He noted in his report, "Horses cleaned up what barley swath was left. Farmer tried every means to find owner for horses, tried to get assistance from R.C.M.P; Forestry and officials from Improvement District. Horses appear to have no owner, but R.C.M.P. warned him against shooting horses."

On the basis of the report, and because damage from livestock is apparently not covered under the contract, the complainant was advised that his claim could not be recognized.

The complainant requested reconsideration of his complaint, which was again rejected, by the Corporation's letter dated July 15, 1970.

In June 1970, an agent of the Corporation contacted the complainant to secure a Seeded-Acreage Report covering his 1970 crop. The complainant refused to supply the information. As his 1969 premium account was still outstanding, and because he refused to file a Seeded-Acreage Report covering his 1970 crop, as required under the contract, the Corporation cancelled his contract on July 17, 1970. This was the situation when the complainant wrote to the Ombudsman.

On my instructions, my Legal Advisor sought a meeting with the President of the Corporation, by letter of September 4th, 1970, following my exchange of correspondence with the

Corporation. A reply was received from the President of the Corporation, who explained that a meeting of the Board of Directors had been called for September 10th, prior to receipt of our letter. The meeting was for the purpose of discussing the problem of the complainant's Insurance. The President had, therefore, delayed answering my Legal Advisor's letter until the decision of the Board of Directors had been made.

By a fortuitous circumstance, the Board had decided to recognize the complainant's claim. While the Insurance Plan does not recognize losses caused by domestic animals, it had been concluded that in this case the horses which caused the damage, were wild and not owned by any person, or under human supervision. It was pointed out to the complainant that such cases were dealt with on their individual merits, and he was reminded of the responsibility of the farmer to provide adequate fencing.

The renewal of insurance for 1970 could not be considered, as the complainant, annoyed by the rejection of his 1969 claim, had refused to pay his 1969 premium account and further refused to file a Seeded-Acreage Report in 1970.

My Legal Advisor, however, had a most useful meeting with the President of the Corporation, where much was learned concerning the operations of the Corporation. It was also agreed that the complainant could apply for Insurance for his 1971 crop.

He received payment in the amount of \$1,138.80 for his 1969 losses, and expressed his thanks and appreciation by letter.



PRIVATE MATTER

70-420-27

The complainant, who is a woman, wrote that in 1963 a Mechanic's Lien was placed on her property in error and that she had repeatedly tried to have the lien removed without success.

She claimed to have heard in 1965, through a solicitor, that a lien had been placed against the land in error, and that it would be removed in due course. At the time of writing, March 1970, the lien had not been removed. The complainant objected to having to retain a solicitor at her own expense to overcome what she felt was an error and she now wanted to sell the property.

This was, of course, a private matter beyond my jurisdiction but I did ascertain that the lien was registered in 1963, and that as it had not been removed since that date it became ineffective in 1969.

I wrote the complainant suggesting that she write to the Registrar of the Edmonton Land Titles office for information as to how to proceed. I receive a considerable number of complaints where I have no jurisdiction, but as illustrated in this case, my office does endeavor to direct the complainant to some authority or agency who may be able to assist.

PRIVATE MATTER

70-420-39

The complainant and her daughter inspected a new trailer, which the daughter wanted to buy. They inquired at a local bank about a loan and it is stated that a loan was available.

However, the couple also interviewed a finance company, and were referred to an associate company. The collateral required, according to the complainant, included her car, trailer and furnishings, together with a high interest rate. The complainant stated that she said she would think it over and try a bank first.

However, according to the complainant, a salesman for the finance company came to the house with a prepared contract, and a cheque for a loan of over \$1500.00. When told that the mother and daughter had not yet made up their minds, it was said that the salesman suggested that it would be all right to sign the contract, and if they changed their minds, all they would have to do would be to return the contract to the salesman at his office. They signed the contract, at which point the salesman is reported to have said that the cheque had not yet been signed by the Manager, but it would be mailed to them, when signed.

The following day the couple secured a bank loan. Before they could notify the finance company, a cheque was received in the mail. The mother and daughter went to the office of the finance company and returned the cheque and the contract to the salesman.

The mother, who was the complainant in this case, reported that the salesman followed them home and threatened that if they did not accept the loan, he would throw the cheque on the porch or in the yard. They refused to accept the cheque, and the salesman left with it.

The mother and daughter are employed, and when they returned from work the following afternoon, they found the contract and the cheque lying on the porch, according to the complaint made to the Ombudsman. Subsequently, the salesman from the trailer company indicated that he would seek legal advice. This was the story that the complainant forwarded to the Ombudsman.

This was, of course, a private business dispute, not involving a complaint against Government administration. I therefore had no jurisdiction. However, I forwarded all the information I had to the Consumer Credit Branch of the Provincial Treasurer's Department. I advised the complainant of the action taken.

Mr. D.E.L. Keown, then Acting Supervisor of the Consumer Credit Branch took the matter in hand. In due course I received advice from Mr. Keown, that the complainant had received an apology from the Supervisor of the finance company, as well as from the Manager, and had also received a refund. Apparently some money had been paid by the complainant.

I expressed my appreciation to Mr. Keown for the results he had obtained.

As I have reported in previous years, there is a woeful lack of knowledge among people of this Province of the several Agencies of the Government, which exist for the protection of the public. Despite considerable publicity about the "watchdog" services that has appeared in the Press, I continue to receive complaints from people who have waited too long to make any inquiries until their problem is then beyond remedy.

However, we have been able to refer cases such as the above to various guardian Agencies of Government and with very satisfactory results, even though the Ombudsman has no direct jurisdiction.

PRIVATE MATTER

70-420-88

An almost undecipherable letter was received from the complainant, who appeared to be very frail and probably elderly. It appeared that he had been moved one or more times from a Nursing Home to a Hospital or vice-versa. It appeared that he was trying to recover \$25.00, which he claimed had been placed in safekeeping in one Institution or the other, and at the time of his complaint, he was in yet another Nursing Home.

None of the Institutions were Departments or Agencies of Government, within my jurisdiction. However, the complaint was forwarded to the Hospitals Division of the Department of Health, following a telephone conversation, whereby the Hospitals Division volunteered to look into the matter.

In due course I received a letter from an officer of the Alberta Nursing Home Plan, who had visited the complainant and fully explained the reasons for the removal of the \$25.00 from his room, and its deposit in a trust account.

It was further reported that everything was in order, but that the Nursing Home had failed to provide the complainant with an adequate explanation of the "safekeeping" policy. This lapse was emphasized to the operator of the Nursing Home responsible.

As a result of the enquiry, the complainant was to receive refund cheques in the amounts of \$179.93 and \$6.00 from two Hospitals, where he was hospitalized following his discharge from the first Nursing Home. This was a far larger sum than the complainant apparently realized was to his credit. He had only been concerned with \$25.00, and he expressed his gratitude to the officer of the Alberta Nursing Home Plan, who visited him and made the investigation.

I expressed my appreciation to the officer for the manner in which the complaint had been so successfully resolved.

Here again is an example of the manner in which the Ombudsman receives complaints, where he has no jurisdiction, but is able to refer the complaint to a Department or Agency of the Government, with very satisfactory results.

## REQUEST FOR ASSISTANCE

70-470-23

As has been mentioned in previous Annual Reports, the Office is frequently called upon to deal with matters which do not come within the orbit of the Ombudsman's jurisdiction, but are none the less, problems of people in deep trouble. Common humanity places an unwritten obligation on the Ombudsman to render assistance if it can be done.

The following case is indicative of such a situation.

A young woman in her late twenties walked into the Office in a condition of utter despair, and desperately anxious to talk to someone. She had been referred to us by another authority in the city.

She was vague about her problems and arrangements were made to have her discuss them fully with the Complaints' Analyst, Mrs. Holland.

She was from another Province and a large family. There were indefinite family problems, but obviously the situation was unhappy and accompanied by financial difficulties.

She had had casual employment in several places in Alberta and had been laid off from her latest job the day she came to us.

Her whole attitude was one of absolute despair to a point where it was obvious even to laymen that this was no ordinary case of a woman with difficulties, but indeed a deep emotional problem accompanied by extreme melancholy.

She had been unable to sleep; she could not remember when she had eaten last, although she was not without funds. She felt that people where she resided were against her, and through much of the interview she cried silently in dull despair. There was no family available to whom she could turn, and she had no desire to return to her home.

The Complaints' Analyst and the Chief Investigator, after consultation, made sufficient inquiries by telephone to assure



themselves that the lady was not in difficulties of any sort at her place of residence. They then communicated with a Hospital, where arrangements were made for an immediate medical examination.

It was tactfully explained to her that perhaps she should see a Doctor as she might not be well and to this she consented.

Both the Chief Investigator, Mr. Groenland, and the Complaints' Analyst, Mrs. Holland accompanied her to the Hospital, and awaited the results of the medical examination. It was confirmed that she was in need of help and further treatment.

She was, in due course, medically committed for examination.

A subsequent check at the Mental Hospital concerned indicated that she was undergoing treatment for symptoms, which appeared to have intensified since this Office had placed her in medical hands.

## Appendix VI

### Pertinent Sections of The Act

#### THE OMBUDSMAN ACT 1967

##### Texts of Sections Referred to in Summary

8. (1) The Ombudsman shall be paid a salary of \$20,000 which shall be charged to and paid out of the General Revenue Fund.

11. (1) It is the function and duty of the Ombudsman to investigate any decision or recommendation made, including any recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any enactment.

(2) The Ombudsman may make an investigation either on a complaint made to him by any person or of his own motion, and he may commence an investigation notwithstanding that the complaint may not on its face be against a decision, recommendation, act or omission as mentioned in subsection (1).

12. (1) Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, until after that right of appeal or objection or application has been exercised in the particular case or until after the time prescribed for the exercise of that right has expired, or

(b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

(2) If any question arises as to whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court of Alberta for a declaratory order determining the question.

## The Ombudsman Act 1967 (Continued)

14. (1) If in the course of the investigation of any complaint it appears to the Ombudsman

(a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it, or

(b) that, having regard to all the circumstances of the case, any further investigation is unnecessary, he may in his discretion refuse to investigate the matter further.

(2) The Ombudsman may, in his discretion, refuse to investigate or cease to investigate any complaint

(a) if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than 12 months before the complaint is received by the Ombudsman, or

(b) if in his opinion,

(i) the subject matter of the complaint is trivial, or

(ii) the complaint is frivolous or vexatious or is not made in good faith, or

(iii) the complainant has not a sufficient personal interest in the subject matter of the complaint.

(3) Where the Ombudsman decides not to investigate or to cease to investigate a complaint, he shall inform the complainant of his decision and he may, if he thinks fit, state his reasons therefor.

20. (3) If, where this section applies, the Ombudsman is of opinion

(a) that the matter should be referred to the appropriate authority for further consideration, or

(b) that the omission should be rectified, or

(c) that the decision should be cancelled or varied, or

(d) that any practice on which the decision, recommendation, act or omission was based should be altered, or

(e) that any law on which the decision, recommendation, act or omission was based should be reconsidered, or

(f) that reasons should have been given for the decision, or

(g) that any other steps should be taken,

## The Ombudsman Act 1967 (Continued)

the Ombudsman shall report his opinion and his reasons therefor to the appropriate Minister and to the department or agency concerned, and may make such recommendations as he thinks fit and in that case he may request the department or agency to notify him within a specified time of the steps, if any, that it proposes to take to give effect to his recommendations.







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